

COMMENTS TO CA WATER PLAN VOLUME 2 12 REGIONAL REPORTS DUE 12.9.2013

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Sent: Tuesday, December 10, 2013 8:19 PM

To: DWR CWP Comments

Attachments: ADDITIONAL COMMENTS JD COM~1.pdf (382 KB) ; CA CONSERVENCY PUBLIC COMM~1.pdf (1 MB)

COMMENTS FROM SIERRA CLUB, AIRPORT MARINA ; GRASSROOTS COALITION

Please accept and consider and be responsive to these comments provided on 12/10/13 .

You state:

Ballona Creek Watershed

The 130-square mile Ballona Creek watershed extends from downtown Los Angeles westward to the Pacific Ocean . It is bounded to the north by the Santa Monica Mountains and the south by the Baldwin Hills. Drainage is provided by Ballona Creek and two small tributaries. The watershed is heavily urbanized and includes the cities of Beverly Hills , Culver City , and West Hollywood and portions of the cities of Inglewood , Los Angeles , and Santa Monica . Several environmental sites are located in the western margin of the watershed. These are the Ballona Wetlands, Ballona Lagoon, and Oxford Lagoon. The California Department of Fish and Wildlife (DFW), State Coastal Conservancy, and California State Lands Commission are developing a restoration plan for the wetlands. DFW issued a Notice of Preparation for an environmental impact report to be released on the plan. Ideas for consideration include the establishment of facilities for walking and bird watching and repositioning of the existing levees to help with restoring the native habitat and for flood protection of the urban area around the wetlands.

Comments:

The Ballona Wetlands Ecological Reserve now exists due to the decades long struggle, including litigation, on the part of the public to acquire and protect the existing remnant habitat of Ballona Wetlands. \$140 million of bond money was allocated due to public concern for protection of the Ballona habitat which is historically a freshwater seasonal

wetland habitat.

Additional bond funds such as \$25 million in Prop.12 funds were allocated from the public to protect and restore Ballona.

The \$25 million of public dollars has since been squandered without accountability by our state agencies the State Coastal Conservancy who took control of the the bond dollars.

The private business -Santa Monica Bay Restoration Foundation which its staff--staffs and which its executive director--is the executive director of the State Agency--Santa Monica Bay Restoration Commission. We believe that there has been an illegitimate takeover of a state agency (state agency is within the State Water Board) in order to execute private agendas and profiteering. We request an independent forensic audit of the Santa Monica Bay Restoration Commission and its controlling-Santa Monica Bay Restoration Foundation in order to adequately address the takeover vs the legislative intent that is supposed to govern the Santa Monica Bay Restoration Commission AND TO determine how and where public funds have been appropriated and we believe have been misappropriated.

The bond dollars and all approvals are required to have included the public as part of the determination and evaluation of alternative planning for the treasured Ballona Wetlands which includes numerous rare and endangered and imperiled species of plants and animals. Ballona Wetlands is also situated within an area that has undergone great man-made changes

that have allowed the entry of the Santa Monica Bay waters. The area now has more salt water habitat than it has incurred for thousands of years via the creation of what is now known as Marina del Rey, Del Rey Lagoon and Ballona Lagoon Marine Preserve and the Ballona Channel itself which carries waters as fast as possible(in a straight path) from inland rains upon Los Angeles. The original Ballona Channel was dug by the USACE and was curvilinear WHICH FAILED and was cause for flooding. Litigation ensued resulting in a Channel change to make the Channel as straight as possible for fast evacuation of the flood waters during the rainy season in Los Angeles.

While the state has excluded the public from the alternative planning analysis and also failed in execution of its contract with the USACE of a Joint 2005-12 EIR/S, the public has been forced to retrieve any and all information pertaining to Ballona via Public Record Act requests and Freedom of Information Act requests. The Joint 200-5-12 EIR/S utilized millions of public dollars that have gone unaccounted for still. Instead, of transparent and cooperative planning, the state has undertaken a 'new' Joint EIR/S PROCESS without having provided accountability for the original process and now continues to spend public dollars with no accountability.

The state is forcing a singular PLAN for Ballona that is not what the bonds described, thus the state has made a bait and switch to the public and is forcing a public works-

conversion project upon Ballona that will convert it into a catch basin treatment area for the toxic waters and sediments of Ballona Channel. The site is far too small to cleanse such overload of toxins per scientific analysis of acreage needed to perform such a miracle.

Furthermore, the state is planning on destroying virtually the entire site via bulldozing, dredging and filling/surcharging the area which will annihilate all life under the work to be performed. Numerous endangered, rare and imperiled species will be killed and or pushed offsite, with the removal of the current functioning levees and the new engineered structures that are intended to replace the current levees.

NO ALTERNATIVE PLANNING HAS BEEN DONE TO ANALYZE FOR THE HISTORICALLY RELEVANT HABITAT RESTORATION--NAMELY A SEASONAL WETLAND .

Playa Vista is currently removing the groundwaters of Ballona Wetlands and disposing of the waters into the sanitary sewer, thereby removing their beneficial use in the wetlands.

CDFW and the state are also removing the seasonal and groundwaters of Ballona and have failed to analyze the destructive action in any reports. The California Coastal Commission currently is pursuing action against Playa Vista and the owners of a newly discovered (by the public) drainage system **WITHIN THE WETLANDS ACQUIRED BY THE PUBLIC IN 2004.**

The CCC has already vocalized in hearings the destructive nature of draining waters in a wetland. Meanwhile the CDFW and the state continue to allow for the drainage.

NO hydrology studies have been done upon Ballona to analyze for a freshwater seasonal wetland alternative. Instead, PRA responses reveal the state requiring all studies done to **ONLY** prepare for an **ESTUARINE** - full tidal wetland habitat.

We believe that bond fraud is occurring. The public has been shut out or deceived regarding the process of alternative planning for Ballona.

The state has told the public that no Project Description exists and thus the Draft EIR is not able to be released as part of their 'new' EIR process.

This statement is false as the state has supplied the Estuarine--PROJECT DESCRIPTION in an Application to the USACE for a 408 (levee removal) and 404 permit-- as of several months ago. This information was only garnered by the public via a PRA. The state continues to hide the information from the public.

Please also review the attached Complaints to the state Coastal Conservancy. The state continues to fail to respond.

Please acknowledge and receive this information and please provide a response.
Thank you for your help in these matters of great public concern.

Patricia McPherson,
Grassroots Coalition, Sierra Club-Airport Marina

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FROM: Grassroots Coalition,
Patricia McPherson, President
Patriciamcpherson1@verizon.net

August 2, 2012

TO:
California Coastal Conservancy
Attn. Executive Director, San Schuchat &
All Governing Board Member and Alternates

CC
John Chiang- CA. State Controller
Matosantos- CA. Dept. of Finance Director
Bill Lockyer- CA. State Treasurer
John Laird- Dept. of Natural Resources
U.S. Army Corps of Engineers Attn. Commander Mark Toy
U.S. Senator Barbara Boxer
U.S. Congress Person Maxine Waters
L.A.Councilman Bill Rosendahl

RE: Complaint- Supporting the 3/29/12 REQUEST TO RESCIND APPROVAL FOR
STAFF RECOMMENDATION APPROVAL ON 1/19/12 awarding \$6,490,00. for: FILE
NO. 04-088-

BALLONA WETLANDS RESTORATION ENGINEERING AND TECHNICAL STUDIES

The following paper from Grassroots Coalition (GC) represents GC's opinion of its findings and data support garnered via the Public Record Act and the Freedom of Information Act.

This document also requests the Coastal Conservancy to stop its illegitimate interference in the approved and ongoing 2005 Joint EIS/EIR process between the Sponsor-- Santa Monica Bay Restoration Commission (SMBRC)/ LA County Flood Control and, the U.S. Army Corps of Engineers.

The Coastal Conservancy, using its control over public bond money, has shut out the public process and taken its influence as a financially powerful board member of the SMBRC and partner of the California Department of Fish & Game (DFG), the lead agency of the publicly owned Ballona Wetlands—to fund a process that is contradictory to the 2005 federal process that was requested by Congress.

The Coastal Conservancy is propelling a bait and switch - a NEW Joint EIR/EIS process and a NEW Notice of Intent (NOI) that undermines and attempts to extinguish the current 2005 Joint EIS/EIR APPROVED PROCESS with its attendant safeguards of multiple habitat restoration alternatives.

The Coastal Conservancy is instead, illegitimately propelling a singular outcome that stops restoration of Ballona and protection of its endangered species to instead convert the habitat into a non-historical dredged out estuarine habitat that promotes LA Port expansion and other financial deals.

Background:

In 2004, Ballona Wetlands acreage was purchased via PUBLIC funding for approximately \$140 million. **The land is owned by the public** and is currently administered by the California Dept. of Fish and Game (freshwater marsh portion by the State Lands Commission) .

Important, new information contained herein reflects a Coastal Conservancy (CC) Public Record Act (PRA) response consisting of numerous heretofore undisclosed CC documents contained on a CD. The CD was provided after the 1/19/12 CC Governing Board Hearing in Los Angeles, CA. and, after the CC Governing Board's Hearing in Ventura, CA. on 3/29/12.

I.

The Coastal Conservancy PRA CD provides evidence to show that misleading and/or incorrect information was presented in the Staff Recommendation of 1/19/12 (File No. 04-088)

The newly disclosed Coastal Conservancy documents (CD) reveal:

- A. potential misuse of public bond money (Prop. 12, PRC 5096.352 (f) and or (b)(1));
- B. lack of disclosure, lack of public process and transparency of process regarding the Coastal Conservancy's involvement and; associations with other agencies --federal- US Army Corps of Engineers (USACE) and; state agencies and; a private nonprofit- the Santa Monica Bay Restoration Foundation (Foundation) that pertain to Ballona Wetlands in Los Angeles, CA.
- C. Prop. 12 (Number 172 of Dept. of Natural Resources Listing of Prop. 12 bond grants; 3760-30203-0005(2)(B)07) Coastal Conservancy bond grant to The Southern California Coastal Water Research Project (SCWRP) -Ballona Wetlands Restoration. The Coastal Conservancy, contrary to the bond grant language and intention of allowing for a "scientific advisory committee" (SAC) to review and advise regarding '**enhancement**' plans for the restoration goals of Ballona Wetlands; the Coastal Conservancy instead propelled and directed SCCWRP members and other contractors to perform a singular outcome of '**creation**' of a **full tidal/ estuarine, non-historical , treatment wetland as an end of pipe, experimental solution to the toxic contamination of Ballona Creek.**

The CC Staff Recommendation is a non-historically oriented goal and thus fails to adhere to bond language for “enhancement” of Ballona Wetlands and also fails to adhere to “restoration” as defined by Southern California Wetlands Recovery Project (SCWRP). (See p.3 SCWRP restoration definition) And, contrary to publically stated and written goals of transparency and interchange, the CC and SMBRC precluded the public and Working Group from participating and interfacing with SAC. Thus, the CC and SMBRC, utilizing all public bond dollars have effectively shut the public out of the Ballona Wetland Restoration design process.

Contrary to comments made below in the Staff Recommendation 1/19/12 (File No. 04-088), the conceptual restoration plan was **not** developed in a public process and the public and other parties were **precluded** from participation in all facets of the development of the restoration alternatives

“Cooperation: The conceptual restoration plan was developed in a public process with input from a Science Advisory Committee, an Agency Advisor Committee, and the Ballona Working Group made up of representatives of local nonprofit organizations, agency staff and members of the public. Individual public members also participated in all facets of the development of the restoration alternatives.”
(p. 9 of 9 1/19/12 Staff Recommendation; Emphasis added.)

The CD documents reveal that the conceptual restoration plan was developed by the Coastal Conservancy and by the executive director and staff of Santa Monica Bay Restoration Commission- a California state agency.

Note- the SMBRCCommission’s executive director and most staff are not state personnel . Since 2005, the executive director and staff of the SMBRFoundation (a private 501c3) simultaneously act as SMBRC staff and executive director. IRS records reveal payment to the Foundation’s executive director and staff from the Foundation. We have found no contractual authority for such private persons to serve as state officers of a state agency or as staff of a state agency. We are currently requesting an assessment and investigation into these matters of great public concern.

The CD documents reveal that the Coastal Conservancy Staff Recommendation was created:

1. in a void of public/ Working Group input acknowledgement and use.
2. in a vacuum of interchange between the Scientific Advisory Committee and the public/ Working Group and the USACE contractual agreements.
3. while failing to disclose scientific findings to all parties and;
4. while failing to provide process as written by the Coastal Conservancy.
5. without adherence to the 2005, contractual agreement between the United States Army Corps of Engineers (USACE) and the Sponsor (aka the Authority- SMBRC & LA County Flood Control) wherein a Joint EIR/ EIS of Corps certified programs of environmental review would take place and;

6. without CC Governing Board authorization and without public disclosure-- the CC Project Manager created an enterprise consisting of a 'new' Joint EIR/EIS process ostensibly intended to circumvent the 2005 approved process. (JD submission to CC 3/29/12)

7.

Lack of Disclosure Has Led To An Inability To Make Informed Decisions

I.

A. Proposition 12 Funds-The Public's Intent - To Acquire, Protect and Restore Is Not Fulfilled.

The Prop. 12, Public Resource Code (PRC) Section 5096.352 language states, “ (f) Twenty-five million dollars (\$25,000,000) of the funds shall be allocated to **acquire, protect, and restore** wetlands projects that are a minimum of 400 acres in size in any county with a population greater than 5,000,000. (Emphasis added. The Ballona Wetlands is distinguished as fulfilling this specific criteria.)

Restoration—specifically refers to actions taken to obtain a former state of a **natural condition**. (Southern California Wetlands Recovery Project (SCWRP)- Science Advisory Panel (SAP)- Glossary of Terms)

Estuarine wetlands- are subtidal and intertidal habitats that are semi-enclosed by land, have access to the open ocean, and in which ocean water is at least occasionally diluted by freshwater runoff from the land (Cowardin et. Al. 1979)SCWRP, SAP Glossary)

. Ballona was not historically continually open and connected to the ocean and large, inundating flows of fresh water occurred infrequently only during major flood events (CD- SAC docs; USGS docs provided to CC by J. Davis; CC's T-sheets).

“The project we are recommending is enormous in scale.” CC- MarySmall
(JD PRA Response attachment in 3/28/12 CC Hearing-Request)

Contrary to “protecting and restoring” the Ballona habitat, the approval of the Engineering and Technical Studies & SMBRC bond awards will specifically promote a singular outcome— massive destruction of currently functioning habitat that will not ‘obtain a former state of a natural condition’ but, will instead endeavor upon a non-historically oriented, experimental estuarine treatment wetland project expected to encounter yearly flooding and scouring events. The project is not expected to be self-sustaining but instead expected to promote a perpetual money pit of contracts for monitoring and unknown but expected repairs and fixes- - future landscape changes further transfiguring the flora and fauna. (CD/SAC)

A failure to adhere to grant proposal requirements, as dictated by the State of Ca. Finance Dept. in recent audits, continues

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NOTE: While the Coastal Conservancy promotes the idea that it provides bond grants to the SMBRC, the Coastal Conservancy has actually never provided any bond money to the SMBRC as per the 2002,

SB 1381 Keuhl bill that established a Treasury Account for the SMBRC. Instead, the Coastal Conservancy provides public bond money grants to the private nonprofit—the SMBRFoundation—typically without a grant proposal having been provided—as is the case in the 1/19/12 grant approval.

Recent audits of the CC by the California Dept. of Finance require that the CC adhere to grant proposal requirements established by the Dept of Finance. However, the CC's failure to adhere continues as is the case in the 1/19/12 grant approval.

The currently clean land (LARWQCB) and functioning habitats—include endangered and rare Southern California native plants and wildlife, which will be destroyed in order to create the end of pipe, treatment wetland for toxic Ballona Creek waters and sediments. (CD-SAC) The full tidal, estuarine goal also appears to discharge political favors for LA Port expansion(s) approvals that need wetland mitigation credit(s) and/or extensive fill material from Ballona.
(See e-mails regarding LA Port - letters of support for the Staff Recommendation)

Contrary to the 8/13/04 CC MEMO (p.4), the CD -SAC documents reveal wildlife and habitat destruction and dangers, endless and exorbitant financial costs, inability to show sustainability and potential legal quagmires that were not revealed to the public/ Working Group and other parties-- some of whom were asked to sign onto Coastal Conservancy pre-scripted letters of support for the 1/19/12 Staff Recommendation.*

*Contrary to the promised 'transparency' of process; CC and SMBRC staff improperly lobbied for letters of support for the 1/19/12 Staff Recommendation prior to a public notification of an agenda and release of the Staff Report thusly, discriminating against all others by failing to provide the same comment opportunity prior to the issuance of the Staff Report.

The public has a right to know the full extent of issues regarding changes to Ballona. Whatever decisions are rendered, they should not be based upon piecemealed, truncated and biased information as has currently been provided.

PROPOSITION 12 Identification of Funds; Status of Funds

The Staff Recommendation(SR) is unclear which Proposition 12 funds are being requested. Two possible funding sections of Prop. 12 are:

- Proposition 12 bond money discussed in the SR as specifically for Ballona Wetlands is listed under Public Resource Code (PRC) Section 5096.352 (f)). The accounting for these funds was not provided in the Staff Recommendation and remains unknown.

- Other Prop 12 funds include: PRC Section 5096.352(b)(1)—to the Santa Monica Bay Restoration Project/Bay Watershed Council; that account status remains unclear also.

(In 2002, Senate Bill 1381 (Keuhl) transformed the SMBR“Project” into the SMBRCommission. Prop. 12, PRC language utilizes the Bay Watershed Council. The ByLaws of the the Bay Watershed Council (BWC) remained intact which now give rise to

questions regarding the actual existence of the BWC after SB 1381 which may influence the use of the Prop 12 bond funds.)

I.

B. 5-6. The Coastal Conservancy Project Manager and SMBRC Executive Director/ Staff, Have Not Been Forthright With the Public Regarding Disclosure of Process Changes Pertaining to Federal (USACE) Contractual Agreements

U.S. ARMY CORPS OF ENGINEERS

1994, Sept.28 Adopted- "Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on Playa del Rey Inlet and Basin, Venice, California published as House Document 389, Eighty-third Congress, Second Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time, in the interest of navigation, hurricane and storm damage reduction, environmental restoration and other purposes at Marina del Rey Harbor, Los Angeles, California, with consideration given to the disposal of contaminated sediments from the entrance channel required under the existing operation and maintenance program at Marina del Rey Harbor."

In 2005, USACE Noticed and embarked upon an areawide ecological review- an EIS- of the historic Ballona Wetlands area that included the U.S. 83th Congress -- House Document 389 under Public Law 780. Map-Enclosure No. 1 (General Plan of Improvement) reveals the entire Ballona region as part of this action including but not limited to Ballona Lagoon, Del Rey Lagoon and the Sanctuary area , Ballona Creek, Centinela Creek etc. (See language of the USACE Lower Ballona Creek Restoration Reconnaissance Study and; Feasibility Study). This EIS was predicated upon having a local Sponsor as part of the review process and to aid in the outreach to the PUBLIC and the creation of the Joint EIR/EIS process.

SMBRC/LA Flood Control (the Authority) aka the Sponsor-- contractually agreed to the Joint EIR/EIS in 2005.

The contract included having the Sponsor (Authority) provide at least 6 public meetings dedicated to providing time for USACE representatives to discuss the USACE status of the Joint EIR/ EIS process. The follow through for such meetings has not occurred.

(In various earlier approved bond requests for Ballona projects; Project Manager Mary Small eliminates reference to the 2005 contractual agreement for a Joint EIR/EIS which jointly provides for the Ballona Restoration Alternatives (2005 contract between- USACE and SMBRC/LA Flood Control aka Authority) Instead Ms. Small's staff recommendations inform the CC Governing Board that as of 2005 only the Ca. Dept. of Fish & Game, State Lands Commission and SMBRC are part of the oversight of Ballona and alludes that the Conservancy has the restoration alternatives planning duties:

(Ballona Wetland Improved Public Access; File No. 04-088; 7/21/10)

"In 2005, the Conservancy initiated conceptual planning and feasibility analysis of restoration alternatives

for the property. This project is being implemented in partnership with the DFG and the State Lands Commission, the two state agency owners of the property and the Santa Monica Bay Restoration Commission. The feasibility analysis was completed in 2008, after a delay due to the bond freeze, and the project partners are now initiating environmental review and detailed engineering of a long-term, phased restoration project. When the restoration planning began, the Conservancy funded the development of an Interim Site Stewardship Plan to address the pressing concerns related to site management. As discussed above, in 2008 the Conservancy provided a grant to MRCA to fund construction of some site improvements and to fund planning, design and preparation of permit applications for additional access improvements. Based on the completed planning work, the MRCA and the project partners determined that it will be more cost effective and logical to pursue implementation of most access improvements as part of the environmental review and permitting for the long-term phased restoration project.

PROJECT FINANCING:

Coastal Conservancy \$280,000

MRCA 120,000

SMBRC, US EPA funds 20,000

Total Project Cost \$420,000”

This is an omission of pertinent and critical fact given in order to garner public bond money. (See J. Davis 3/28/12 Request to CC Gov. Brd.; USACE/CC minutes of meeting(s) and page 6)

See also File No. 04-088 on page 17.

Additionally, the bond money was approved but accountability for its use has not been forthcoming. And,

No fund award was given to SMBRC from the USEPA as cited above. The Treasury Account set up for the SMBRC under SB1381 was not utilized. Instead, ostensibly the USEPA funds went to the private nonprofit, the Foundation. The Foundation, as a private non-profit 501c3, provides no accountability to the public.

The Coastal Conservancy, had also made promises to the public regarding transparency and public inclusion in the entire process of exploring **all reasonable alternatives for enhancement of Ballona**.

For example in an early Coastal Conservancy MEMO dated 8/13/04 to California Department of Fish & Game (DFG) and the State Lands Commission (SLC), the **GOALS/PRINCIPALS read in part-**

“The restoration plan will be based on the best science, incorporate technical scientific expertise and will be developed through a transparent planning process that allows stakeholders to provide input and comment on all restoration planning products. The restoration planning process will develop and analyze a range of alternatives to implement the following project goals:

-Restore and enhance a mix of wetland habitats to benefit endangered and threatened species as well as other migratory and resident species;

-Provide for wildlife-oriented public access and recreation opportunities; and –

Implement a technically feasible, cost effective, ecologically beneficial and sustainable restoration.” (Emphasis added.)

And,

*“..restoration will be conducted within the landscape and watershed context, with attention paid **to adjacent and ecologically related resources.**” Pg. 1*

According to CD documents, the Coastal Conservancy’s Ballona project manager participated in USACE meetings in the 2004 timeframe citing inclusion of the areawide ecosystem eg. Ballona Lagoon, Del Rey Lagoon, the Sanctuary area, Marina del Rey and others that paralleled the activities of ecosystem review as described by the USACE (Reconnaissance Study; Lower Ballona Creek Restoration Feasibility Study; 3/28/12 J.Davis submission to CC)

However, in contradiction to the 8/13/04 Memo cited above, the context of the larger historic boundaries of Ballona Wetlands were later arbitrarily dropped, without public notification or discussion. The CC Project Manager discusses no longer including the adjacent and ecologically related resources as part of the Joint EIR/EIS restoration evaluation performed with the USACE:

6/2/10 CC, SMBRC, USACE Ballona Coordination Meeting Minutes:

“II. b. Mary Small: Have all the PMP sections looked at the same project area? Parts still refer to Ballona Lagoon, Grand Canal, Venice Canals and Oxford Basin, which are no longer in the study area. (3/28/12 CC hearing; J. Davis Attachment)

And, the Project Manager discusses instead a ‘new’ process for which there is no ostensible authority and to which the public has not been made aware:

“Mary Small: If the Corps falls too behind, we will work with Corps Regulatory for a permit for their activities (NEPA/CEQA, design, permitting, and Phase 1 construction)” and;

“Mary Small: It was always our understanding that the Corps would use our restoration alternatives. It makes us nervous that this was never in writing.”(6/28/10 Ballona Ecosystem Restoration Planning Management Meeting)

It was never the public’s understanding that the Corps would be held to Coastal Conservancy and Foundation staff’s restoration alternatives. Legal legitimacy for such behavior is also questionable. And,

“Suggested response

- 1) The EIS/EIR process begun in 2005 was for the Army Corps’ Lower Ballona Ecosystem Restoration Feasibility Study, that project and the associated environmental review has not been completed and is not moving forward at this time. The EIR/S process for the proposed enhancement project will be separate.” 2/7/12*

CC/Mary Small to Ca.Dept. Fish & Game- Rick Mayfield per response to Davis Ballona CEQA process query. (JDavis attachment 3/28/12 Request to CC Board)

Thus, the CC switch in process is 'suggested' to be disclosed to a member of the public after seeking and garnering approval for the 1/19/12 Staff Recommendation. (3/28/12 CC Hearing, Davis PRA attachment to Request)

This new and unauthorized process discussion continues in the same email, 2/7/12, from Shelley Luce to Mary Small and Rick Mayfield (CDFG):

*...." **The EIR/EIS that we want to start** is for a separate project, i.e. the BWER restoration/ enhancement project. "*.. (emphasis added.)

The EIR/EIS that they want to start IS NOT on a separate project but instead on the same project but having eliminated the '94/ 2005 Joint EIR/EIS process; scope of review; environmental safeguards and full range of alternatives inherent in '94/ 2005 approved process.

In other words, the CC attempts to have the public and the USACE but out of their way so that the CC can control the project --using the public's dollar--alongside its political allies.

And, while Mary Small provides the appearance that the Request For Proposals is new online--" *the request for serviceswent out today*"....

2/8/12 CC email (JDavis PRA response attachment in 3/28/12 Request to CC Board)

The Coastal Conservancy, had already put out an online RFP in 2010 for the work requested for approval in the 1/19/12 Staff Recommendation. Thus, it appears that as of 2010, the outcome was already a done deal behind the public scene.

Changes, such as this were not communicated to the Public/ Working Group and the ongoing status of the relationship with the USACE as per the Joint EIR/EIS was not communicated either. In fact, the USACE- Sect. of the Army was not made aware of the attempt to extinguish the earlier, approved process. Any extinguishing of the approved EIR/EIS process (including House Document 389) would have to abide by the USACE process of removal. The process provides accountability for reasoning as to the ending of the project as well as detailed accounting for money spent and what had occurred throughout the process. This activity has not occurred and the USACE has provided a letter stipulating that the approved process is maintained and that investigation into the matter has started. (USACE-J.Davis communication).

It is also unclear whether USACE/SPONSOR information was communicated to the Science Advisory Committee or other parties. Specific USACE work projects, including response to House Document 389 and work quality/certification needs are not communicated in any of the CD-SAC meeting notes which appears to show that the SAC team (contracted and paid for with public funds) were fulfilling ONLY the arbitrary GOALS as set forth by the CC Project Manager and SMBRC staff. Issues

such as the protection of groundwater (classified as potential drinking water), an issue of House Doc. 389 and current Los Angeles- Best Management Practices (BMPs) are absent in the meeting minutes.

Thus, the CC and SMBRC staff, provided for an atmosphere of further disconnect, lack of transparency and compartmentalization of information sharing.

And,

the public/Working Group was not made aware that the CC considered itself a part of the USACE/SPONSOR contract (which it is not) —so much a part, that Mary Small apparently believed that the CC would provide the alternative(s) for the USACE in the Joint EIR/EIS:

6/28/10 Ecosystem Restoration Planning Management Meeting:

II. C. 2." *Mary Small: It was always our understanding that the Corps would use our restoration alternatives. It makes us nervous that this was was never in writing."*..

This type of very questionable influence was not conveyed publically. According to the USACE, Joint EIR/EIS language, the USACE study would provide for all reasonable alternatives and the process would embrace public disclosure and participation.

The Coastal Conservancy and SMBRC staff have not been forthright with the public regarding status of the Joint EIR/EIS.

I.

B. 1- 3. The CD reveals SAC meetings, reports and concerns not shared with the public/the Working Group and other parties. Conversely, the public/ Working Group comments and concerns are not cross- shared.

Contrary to the 1/19/12 Staff Recommendation, the public, Working Group and others have not been engaged by the Coastal Conservancy as promised and have not been provided with full information from the Science Advisory Committee (SAC) group in order to make informed decisions and provide input throughout the process to date.

Prop. 12 bond money was also provided from the Natural Resources Dept. to the Coastal Conservancy specifically to provide a GRANT to the Southern California Coastal Waters Research Project (SCCWRP)(#172) for creation of a SAC team. Thus, the SAC team was paid with public dollars to perform as an independent scientific advisory panel to provide input and advice regarding historical restoration options. Contrary to the GRANT purposes, the Coastal Conservancy's Ballona Project Manager and SMBRC staff instead told the SAC team what the intended outcome was and that all input was to secure that goal—namely full tidal estuarine and levee removal.

Thus, the Prop. 12 bond money was not utilized as intended.

The Coastal Conservancy and SMBRC staff kept the public and the Working Group out of the SAC loop of information and knowledge thereby thwarting and distancing

any meaningful interchanges and participation as falsely stated in the Staff Recommendation below.

Staff Recommendation excerpt:

"Cooperation: The conceptual restoration plan was developed in a public process with input from a Science Advisory Committee, an Agency Advisor Committee, and the Ballona Working Group made up of representatives of local nonprofit organizations, agency staff and members of the public. Individual public members also participated in all facets of the development of the restoration alternatives."

(p. 9 of 9 Staff Recommendation 1/19/12)

And, contrary to assurances that the public would be notified and included on all SAC meetings, the public was not notified or included.

"MARY S. all SAC meeting are public, all interested parties will be notified and invited, meetings will be structured with SAC addressing issues first and public comment period at the end." (CD- 7/20/05 LMU Ballona SAC MTG.)

A 2004 MEMO discusses –

"Ballona Restoration Planning Working Group: Stakeholder Committee and Public Involvement

*"A Ballona Restoration Planning Working Group (brpwg) made up of interested organizations, agencies, and individuals, will meet periodically to obtain project status updates, to provide input, and to support the restoration planning process. These meetings will be open to the public. Subcommittees may be established to address specific issues that may arise during planning."*pg.2

The language above provided for the public involvement at the start of the process that began with 'interim stewardship' meetings, (eg. trash cleanup and education tours) which did occur. As time passed, meetings stopped, informational sharing from agencies and the science team became nonexistent and; the public's comments were not included in the planning process that continued behind closed doors.

-Website topic- SAC meeting minutes- was not accessible to the public.

Instead, when clicked – the website told the viewer entry was not allowed.

-SAC meetings, though described as open to the public, were not. The CD documents reveal that the SAC meetings were, in the main, telephonic and not inclusive of the public. Reports and Memos were not shared with the public but utilized internally.

A continued failure to acknowledge the public and Working Group is also documented via the 2012 Science Advisory Meeting that was held days after the Staff Recommendation Approval. The SAC meeting was also a first in years for actually occurring and, that public notice was provided.

The Public/ the Working Group:

- provided strong objections to the proposed Plan, providing written testimony as well as oral testimony.
- listed issues that needed to be addressed properly; asked for responses that thus far have gone unanswered and,
- again requested the area be considered in its totality of ecosystem variety and benefits utilizing the historic system of Ballona.
- reminded the SAC that the area now has more saltwater --deep and mid habitat than historically existed at Ballona due to the Marina del Rey; Ballona Lagoon Marine Preserve; Del Rey Lagoon; Ballona Creek itself and; as well as freshwater due to the newly created catch-basin- aka, the freshwater marsh. (historically= the last couple hundred years)
- SAC numerical analysis of habitat types was in error. Ratios of entire Ballona Wetlands historic habitat applied to be fulfilled in Areas A, B, C alone is a faulty analysis. The SAC- ratio numbers that pertained to former water habitat and land elevations were either incorrect and/or not documented by SAC.
- cited and documented that SAC dredge spoils deposition locations and volumes were incorrect. (USGS Documents and maps provided by John Davis to the Coastal Conservancy)

The CC and SMBRC continue to fail to respond.

Note: The CC continues to fail to respond to queries and comments provided by the public and its so-called "Working Group" members from 1/19/12 and 3/29/12.

FAILURE TO INCLUDE THE WORKING GROUP COMMENTS AND REQUESTS

Despite providing comments, documentation and evidence regarding the topics listed above and others; there is no documentation provided from the Coastal Conservancy on the CD that any of the public/ Working Group communications were included for any meaningful response or use.

The CD documents reveal no inclusion of the public in any decision making for the alternatives.

Public comments provided to SMBRC and the Coastal Conservancy regarding Ballona specific studies such as the Phil Williams & Assoc. report, that did not address or incorrectly addressed issues, such as the migrating oilfield gas and reservoir gas leakage from SOCALGAS had no meaningful response. There is no showing that the CC or SMBRC staff ever shared these concerns with the SAC team, much less did any meaningful, good faith follow up with the public to understand how the gases may impact restoration. The same holds true for issues regarding protection and utilization of the Ballona aquifer groundwater hydrology. Repeated requests from stakeholders to be given ½ hour presentation time to provide information regarding hydrology and groundwater diversion issues, before the SMBRC have been met with silence (The CC is part of the SMBRC) .

I.B.

CONTROL OF MESSAGE AND OUTCOME

The CC and SMBRC Staff :

**Allow For No Public/ Working Group Participation In The Planning Process;
Fail to Disclose Science Advisory Committee (SAC) Conference Calls,
Memorandums and Reports For Planning of Alternatives;
Feasibility, Cost, Sustainability, Ecosystem Pros and Cons Are Not Disclosed;
And
The CC & SMBRC Staff Arbitrarily Define Project Goal=Estaurine**

Staff Recommendation excerpt:

"Cooperation: The conceptual restoration plan was developed in a public process with input from a Science Advisory Committee, an Agency Advisor Committee, and the Ballona Working Group made up of representatives of local nonprofit organizations, agency staff and members of the public. Individual public members also participated in all facets of the development of the restoration alternatives."
(p. 9 of 9 Staff Recommendation 1/19/12)

The 1/19/12 Staff Recommendation excerpt is false. The public/ Working Group was neither privy to the SAC meetings and information created nor included in the planning process to participate in all facets of the development of the restoration alternatives.

The following excerpts from the CD document an internal discussion revealing the CC and SMBRC staff created and controlled the alternative selection:

"Wayne (Wayne Ferren) suggested that biological sustainability be defined as no loss of habitat types & functions, major guilds, and sensitive species over the project site as a whole." July 7, 2008 SAC Conference Call.

And;

*"Joy (Joy Zedler) asked how biodiversity is being defined? **Sean indicated that biodiversity = highest richness of estuarine dependent species.** If this is how we are defining biodiversity, it should be stated clearly in the document. (emphasis added; Sean Berquist was SMBRC staff and Foundation staff during this timeframe) and,*

"Wayne suggested that we clarify that biodiversity is the sustainable richness of representative interdependent native estuarine habitats along with their associated and expected species biodiversity. "(CD-June 23, 2008 SAC Conference Call)

The next paragraph, written by the note-taker- cited by CC as being CC or SMBRC staff- states the goal-

"Estuarine biodiversity is the primary objective of the analysis."

(CD- June 23, 2008 SAC Conference Call Memo)

This same Memo also sets forth a GOAL that was not shared with the public/Working Group.

"The project goal is to create functional estuarine habitat...";

"1. Maximize area of estuarine habitat.";

*Opportunities to create regionally significant habitat including vernal pools and...should be pursued but **not at the expense of restoration of estuarine habitat.**"*

The public/Working Group was not allowed to participate in the decision making and was not advised as to the differing opinions rendered by the SAC team.

Since this timeframe and without public notification or disclosure the Coastal Conservancy and staff of the Foundation have worked to eliminate the areawide review of ecosystem function and alternative habitat plans—including a public debate regarding the pros and cons of each system -- to instead focus upon a predetermined singular outcome of removal of Ballona Creek levees and dredging of Ballona to 'landscape' and convert the land from its historic natural function to an entirely new, artificial and unnatural function that precludes all habitat function that does not primarily promote the estuarine full tidal premise.

And though asked publically where this 'Plan- Alternative 5 ' came from, no response has been forthcoming from either the CC or Foundation staff.

The CD docs however now shed light as to the creation of this "preferred plan". The overtones of financial leverage dominate the first half of the letter and serve to advance a predetermined outcome that is seen fulfilled in the Coastal Conservancy Staff Recommendation—the removal of levees to create the treatment wetlands.

July 10, 2007 SMBRC letter from Shelley Luce to Coastal Conservancy's Ballona Project Manager- Mary Small:

"Dear Mary,

The Santa Monica Bay Restoration Commission, a National Estuary Program of the US EPA, has been pleased to participate in the acquisition and restoration of the Ballona wetlands at all levels over the last several years. We are proud partners in the restoration planning, and currently have one staff member dedicated full time to the planning effort, while I serve on the Ballona Wetlands Science Advisory Committee (SAC). The SMBRC is also an active local partner in the Army Corps of Engineers' Lower Ballona Ecosystem Restoration Feasibility Study and are participating in clean up and restoration plans for Ballona Lagoon, the Grand Canal, Marine del Rey and the Oxford Basin. We have also awarded several millions of dollars of bond monies under our purview to projects designed to improve water quality and habitat in the Ballona Creek watershed. Ballona wetlands restoration is clearly a very high priority of the SMBRC and the EPA. I have reviewed the restoration design alternatives that are being developed by the consulting team and I am disappointed that they do not fully consider important restoration options, thereby limiting potential habitat, biodiversity and water quality improvements in the wetlands complex. The Ballona SAC requested design alternatives that encompass the "extremes" of restoration planning, i.e. from minimal intervention to maximal structural changes, as well as alternatives in between. The current proposed

alternatives do not provide this and need to be modified, or an additional (fourth) alternative is needed.

SMBRC feels that the restoration design for Ballona wetlands must represent a true restoration of maximum ecological functions and services for the area. Actual restoration work will not begin for months or years, and will be a long term and costly process. The best approach is to include design alternatives that are not limited by current infrastructure or fiscal concerns, since these factors will certainly change over the duration of the restoration process. Similarly, factors such as poor water quality in Ballona Creek will continue to change as Total Maximum Daily Loads and other regulatory measures are implemented. It does not serve us to design the restoration as though it would be undertaken and completed in the very near future, under existing physical or financial constraints.

I would like to request that the design team include at least one design alternative that proposes to

- remove all or part of the levees on one or both sides of Ballona Creek;*
- daylight the channel connecting the freshwater marsh to the creek in Area B, and Stingray Creek to Marina del Rey in Area A;*
- raise Culver Boulevard to increase flows between the north and south sections of Area B; and*
- increase connectivity between Ballona Creek and Areas A and B.”*

Our staff Wetlands Restoration Manager Sean Bergquist is available to work closely with the consulting team to ensure the revised or new alternatives include features that stakeholders and the SAC members supported. The revised or new alternatives should be presented as one of the group of alternatives for consideration under CEQA and by stakeholders and the SAC.

Given our experience in and commitment to the Ballona wetlands and surrounding interconnected areas, the SMBRC staff, Governing Board and Watershed Council have a great deal to contribute to the restoration process. Please feel free to consult us further during development of the restoration design alternatives and we look forward to continuing our partnership to restore Ballona wetlands.

Sincerely,

Shelley Luce, D.Env.

Executive Director

An e-mail 7/17/07 from SMBRC Commission & Foundation executive officer Shelley Luce,

“RE: design alternative for Ballona wetland restoration” and Phil Williams & Associates’ (PWA) Jeremy Lowe –

“We’ve sketched out Alternative 5 as described in Shelley’s letter. Is this what you were envisaging?”

Luce: “Thank you for your response Jeremy. This is a good start for a 5th alternative. Sean and Jessica are adding/changing some details and will forward to you.”

(presumably-Sean Berquist and Jessica Hall– both Foundation paid staff/ SMBRC staff)

The CD documents also reveal two sets of drawings and plans for the levy removal and levy replacement—by Jessica Hall, a Foundation paid staffer.

Ms. Luce is the Executive Director of the Foundation; no contractual

agreements

have been produced by the SMBRCommission or the State Water Board that provide any authority for her to act in capacity of Executive Director of the State Agency-

Santa Monica Bay Restoration Commission which was created under SB 1381 Keuhl as a non regulatory state agency within the State Water Board. There have been no contractual agreements forthcoming by the State Water Board or federal authorities that provide for any SMBRC or federal EPA- National Estuary Program (NEP)- dedicated funding to be handed over to the SMBR Foundation. There is a treasury account that was formed under SB1381 in 2002.

The treasury account has never been used. The attendant oversight and accountability by the State Treasurer has likewise not been utilized.

Ms. Luce has been utilizing both the e-mail address and physical location of the LARWQCB as her work address. The utilization of the addresses has led to common belief that Ms. Luce is a Water Board employee. It is unknown but possible at this time to believe that the utilization of the addresses created a belief that Ms. Luce is LARWQCB personnel, which has in turn, provided Ms. Luce with access to controlling positions on various committees such as IRWMP (Integrated Resource Water Management Program). It would seem that by creating, via continued use of LARWQCB email address and business address, a very public belief that Ms. Luce is a Water Board employee may constitute impersonating a Water Board employee. The following is an e-mail exchange between Ms. Luce and a person with long associations with the Water Board and has acted as a contractor in Ballona restoration matters.

'Travis Longcore travislongcore@laaudubon.org wrote:

Bounced from your waterboards address. Are you no longer a Water Board employee? –

Travis

On Sep 19, 2011, at 2:29 PM, Shelley Luce wrote:

No, not for many years. *Most of our staff are with our SMBR Foundation. I will check my calendar and get back to you on this meeting, thank you for the invitation.*

Shelley" (emphasis added)

Ms. Luce does not appear to answer directly about herself with regard to the Foundation, or what she means by "our SMBR Foundation". She also does not explain her past personal use of the LARWQCB addresses while not employed and why she suddenly discontinued the practice.

Ms. Luce's resume cites her experience prior to SMBRCommission / Foundation as having been employed by Heal the Bay- the organization that has become institutionalized as part of the SMBRC. Our research indicates Ms. Luce was working in some capacity at LARWQCB during the years 1999-2001- prior to her finishing degrees from UCLA. It appears that her continued use of the Water Board e-mail address after no longer providing service to the California Water Resources Control Board has led/misled many people. (A PRA to LARWQCB is pending for identification of duties.)

Coastal Conservancy- PRA Response to J. Davis

Rare ecosystems of the coastal marsh area are discussed internally by the SAC team with the CC project manager and staff of the Foundation; the information

is not broadcasted for public awareness, inclusion of discussion and decision making as promised.

"Rich noted that the discussion of grasslands should include mention of the historical native grassland prairie ecosystems that previously existed in the area. The rarity of native grasslands should be discussed,,," (CD- 6/28/08 SAC Conference Call)

*"Rarity section...complex of prairie and vernal pool...
Wet grasslands formed extensive areas were also palustrine wetlands above highest high tide.." (CD- SAC Call 6/23/08)*

*"...there is native biodiversity in the non-tidal saline soils. At Ballona, these wetlands at Area A, for example, are the only habitat where Alkali Barley (*Hordeum depressum*) is known to occur in the Ballona Ecosystem. This annual grass was probably the dominant native annual grass in naturally occurring non-tidal saline soils at Ballona." (CD- 11/23/08, Wayne Ferren communication to Mary Small...)*

And,

"The region has a shortage of mudflat for shorebirds, high marsh for animals and salt marsh bird's beak, marsh-upland transition for rare shrubs (eg. , box thorn) that are used by animals,...

The region has a shortage of dune habitat and back – dune depressions that support clean-water brackish marsh for aquatic plants and animals.

*One could also list maritime scrub, which remains in several places "...
(CD- Joy Zedler (SAC) correspondence)*

Thus , without public /Working Group inclusion and input into the formation of the alternatives and later failure to include the public /Working Group comments and concerns regarding the PWA Alternatives that are presented at one public meeting-- the CC and Foundation staff continue to work behind publically closed doors to focus upon the 'Preferred Alternative', now known as Alternative 5 presented in the 1/19/12, Staff Recommendation request for funding. Alternative 5 requires massive, non-historic, extraordinary, experimental and knowingly toxic changes to occur on the land masses of Area A and B so that **"biodiversity = highest richness of estuarine dependent species."**

Contrary to the 8/13/04 CC Memo which promised transparency and public inclusion in the alternative planning process which would "restore and enhance" a mix of wetland habitats....and that would implement a technically feasible, cost effective, ecologically beneficial and sustainable restoration.
Instead, the public was shut out of the planning process; and SAC knowledge regarding the **needs and dangers posed by Alternative 5 are not made public:**

"This alternative makes the greatest change to the site, would be the hardest to reverse and consequently has the most risk." (CD- 9/12/08 MEMO from SAC to PMT)

*"..this alternative would **require reliance on upstream flood control and pollutant removal**, and could necessitate periodic removal of accumulated pollutants for some portions of the restored wetlands. Furthermore, it is unknown how the flow and sediment yield from the upper watershed would affect the sustainability of the marsh in terms of scour or sediment deposition." CD, P. 4 of 9, 10/15/08 SAC MEMO, emphasis added.*

There is no evidence of any such large scale BMP (Best Management Practice) planning or proposals for 'flood control and pollutant removal' occurring upstream on Ballona Creek.

And,

"Eric suggested that there be a statement up front indicating that this site will not be self-sustainable, but will need to be actively managed in perpetuity. " (CD- 7/7/08 SAC Conference Call)

Discussion and comments made from key federal agencies were withheld from the public, including but not limited to **NOAA communications regarding concern of toxicity of Ballona Creek upon the remaining wetlands should the levee removal and dredging take place.** (CD- National Oceanic Atmospheric Association email)

Studies that discuss the toxicity of the Ballona Creek waters and sediment to life in the waters and sediment were not released or shared with the public:

"These sediments were toxic to aquatic organisms, potentially from organic compounds in these sediments. Ballona Creek has been identified as a potential source of tidal flows into Areas A, B, and C in each of the proposed restoration alternatives. Therefore, there is concern to tidal marsh areas, resulting in a negative impact to the habitats and biological resources." (CD- Weston -Technical Memorandum 11/26/07; Water Quality Data Gap Investigation Ballona Wetlands Restoration Project- Pohl , P.E., Ph.D.)

And,

" The July 2006 report by Weston also concludes that there are concerns related to water and sediment quality adjacent to the tidal channels. Consequently there is a need to develop a strategy to evaluation the potential ecological risk associated with influent water or sediment quality to the restored wetlands.

The scientific questions regarding sediment and water quality cannot be answered based on the information currently available, and will ultimately depend on the design of the project." (CD- Memorandum 3/8/08; Subject:

APPROACH FOR ADDRESSING SEDIMENT AND WATER QUALITY ISSUES)

And;

“Eric- Conc(ept) D—is it attempt to move water and sediment into system

Wayne- breaching levee bringing trash, water pollution and sediment into entire area is problematic.

John Dixon-important to describe these NOT as projects, but a directions.

Ambrose- maybe D is too extreme—this won’t happen anyway.

Dixon- do feasible maximum tidal, not D—need to scale back

Jeremy- may need to do that, take out realignment Ballona—include realign on Hydrologic options”

(CD-10/30/06 SAC Conference Call)

Additional -SPECIFICS OF THE STAFF RECOMMENDATION 1/19/12

The 1/19/12 Staff Recommendation misleads the public and the Governing Board as seen on pg. 3 of 9, paragraph 5-

*“ In order to complete the environmental analysis required under the National Environmental Policy Act and the California Environmental Quality Act **and to apply for permits** to implement the project, **detailed technical work must be completed.**” (Emphasis added.)*

What is not disclosed to the reader, is an entire change of process from the Congressionally approved 2005 Joint EIR/EIS process requirements.

The Staff Recommendation sentence itself is also very misleading. The applications for permits to the USACE for implementation of the Coastal Conservancy “Plan”, namely the destruction of the levees and the dredging of Ballona have been in process prior to this Staff Recommendation. The Plan-regarding garnering the USACE permits-including the 408- was already in process. (CD)

The Conservancy in its partnership with SMBRC fails to let the public know that they have been working to end the congressionally approved federal portion of the study which entails a full ecological review of the area between the Westchester Bluffs, the Santa Monica Bay, the Santa Monica mountains to a few miles inland – which would also provide for a full review of ALL REASONABLE ALTERNATIVES for enhancement of the ecosystem. (See minutes of USACE/Sponsor meetings provided in the 3/28/12 Request to Rescind File No.04-088; EIS Lower Ballona Creek Restoration Feasibility Study 2005)

Undisclosed is the take-over of process for Ballona 'restoration' guided by the Coastal Conservancy that may disengage the USACE analysis provided for in the established 2005 Joint EIR/EIS.

Instead, it appears that the Coastal Conservancy along with SMBRC staff seek to simply garner permits from the USACE ostensibly for destruction of habitat on Ballona, in particular Area A and B of Ballona. Specifically, the CC and SMBRC staff seek permits (eg 408) for levee and land destruction and removal. It appears that the extensive dredging and massive bulldozing may provide the necessary fill for the LA Port. Questions from the public regarding the CC/SMBRC/ USACE status have gone unanswered. (CD docs and SMBRC April meeting -submission by GC)

Contrary to discussion in the Staff Recommendation—Area A is vegetated primarily by native plants and native wildlife and, is host to endangered species including but not limited to the Belding's Savannah Sparrow.

Not provided to the public are documents and communications which provide, in part, narrative of 'moving' Belding Savannah Sparrows to areas not planned for dredging. This information is vital for public discussion especially since, destruction of the Belding's habitat may wreak havoc upon the Belding population that utilizes Ballona year round. (CD)

- Pg. 3 of 9 discusses hydrology/hydraulics studies that need to be done. What is not discussed with the reader are the multiple public requests for actual onsite hydrology studies that would include Ballona aquifer and groundwater studies that would provide the knowledge for alternatives inclusive of groundwater use onsite. Ballona has multiple aquifers underlying the site. The aquifers are classified as potential drinking water sources and are part of the West Basin aquifers which intermingle to the south and east. (Poland Report)
- None of the concerns raised in House Document 389 (part of the USACE review) regarding problems associated with further saltwater intrusion have been discussed. The elimination of the USACE EIS as part of the Joint EIR/EIS would hasten the Coastal Conservancy's and SMBRC staff GOALS = Estuarine which in turn would potentially threaten contamination of the underground aquifers as per House Document 389 literature. None of the above has been made a part of any review despite repeated requests from the public for such studies.
- The SOCALGAS operations and oilfield gas migration throughout the Ballona area have also not been discussed despite repeated requests from the public.
- Thus pg 9 of 9 is insufficient and incorrect in its comments regarding the Local Coastal Program and the Coastal Act, including but not limited to the

fact that there is no LCP language that states Ballona requires action as the Staff Recommendation implies as per 31252.

-
- Staff Recommendation- Pg. 8 of 9 Under “Sea level rise vulnerability”
- The Staff fail to alert the reader that the ‘broad areas of mid marsh and high marsh’ depicted--showing a meandering Ballona Creek mid-way between Area A and B-- will be inundated with yearly flood waters of the contaminated Ballona Creek –potentially killing nesting or burrowing life in the low, mid and high marsh areas. Concerns by the SAC team regarding scouring, trash and contamination were not disclosed in the Staff Report and have not been shared with the public.
- The Staff fail to inform the reader that the Preferred Plan creates a non historic cycling of yearly floods, debris and contamination as part of an end of pipe solution, a treatment wetland device .
- The Staff Recommendation does not disclose the SAC discussion of concerns regarding the creation of a treatment wetland.
- The Staff Recommendation does not alert the reader as to what is achieved with the use of the bond funds via “hydraulics” information. Will the hydraulics information be exclusive to new levy construction?
- The Staff Recommendation does not disclose to the reader, the need for upcreek flood control or contamination control as is discussed by SAC.
-

31400- The Staff Recommendation cites enhancement of future NEW trails.

The Coastal Conservancy has already awarded large grants specifically for the Ballona Bike Trail (File No. 07-058-01) which, currently exists and is heavily utilized by the public. Since, much public funding has already been utilized and will be utilized further for the pathway, why should that same importance of pathway be taken away at Ballona?

Removal of the levees would not only take away a heavily utilized public biking and hiking trail but would also take away the pathway’s use as an observatory promenade for viewing the interior of Ballona. The levees provide an important opportunity for viewing without intruding.

The Coastal Conservancy and other agencies have failed to embrace and include the public on this issue as well. Using the public’s hard earned money while keeping the public out of the planning process reveals the Coastal Conservancy has not acted in good faith.

Grant Award of \$280,000 to Mountains Recreation and Conservation Authority (MRCA) File No. 04-088 from Staff Recommendation 7/21/10.

1. The Mountains Recreation and Conservation Authority governing board refused to approve the use of bond money for the trailhead(s) and other enhancements at Ballona. The Board agreed with members of the public. Namely, that due to the ongoing **Joint EIR/EIS** process’ requirements being

more stringent than a singular EIR; those added requirements had to be fulfilled prior to any further decision making taking place.

Mr. Edmiston, at the meeting, asked did they want him to return the money?-

Ostensibly the bond money had already been approved and given to MRCA. Where did the money go? And;

2. The 1/19/12 Staff Recommendation cites NEW levy demolition and bike trails ,
"the proposed project could provide a new segment of the Coastal Trailthe project is located at the intersection of the California Coastal Trail and the Ballona Creek Trail, and may offer a significant opportunity for the development of improved connections between these trails." P. 7 of 9 .
 - Since the Coastal Conservancy has been intent upon levee removal of Ballona Creek and dredging the land in the near future; why did the Conservancy give bond money to MRCA for trail head construction and enhancements for Area A (in particular)--apparently an area it intends to soon demolish and dredge? These inconsistencies appear to show misuse of public funds; paying for contractors and salaries for projects that lead nowhere.
 - Furthermore, it appears that when the CC Project Manager of Ballona desires to garner public bond money; the wetlands (or bike path) are discussed in a decidedly positive depiction as below:

"Despite the degradation of site resources, significant wetland habitat remains within the Ballona Wetlands. Plant species within the project site include wetland indicators such as pickleweed, marsh heather, saltgrass, arrowgrass and glasswort, and a variety of upland and exotic species including brome, iceplant, oxalis, and ryegrass. Bird surveys indicate that the site is used seasonally by a variety of migratory shorebirds, as well as by typical shoreline residents (gulls, terns, and ducks) and typical upland birds including small raptors. Bird species of special interest observed in the project area include nesting pairs of Belding's Savannah sparrow and foraging use by California least terns. The proposed project will be implemented primarily on the portion of the BWER north of the Ballona Creek channel (Exhibit 2). This area of the reserve currently has very limited public access and suffers from illegal uses. The proposed project seeks to improve the resources on the site, increasing public use while discouraging illegal activities through improvements to fencing and signage." File No. 04-088

This same project manager provides an entirely different depiction in the negative—when public bond money is requested for demolition purposes on the same piece of property. Note also the language of utilizing funds to safeguard the property directly contradicts the 1/19/12 Staff Recommendation of the 6 plus million wherein the Project Manager cites the need to demolish and dredge the same area as a means of eliminating public use by the homeless instead of—the aforementioned request for money to protect the same area. (See also Ms. Small e-mails discussing need to show greater degradation in order to secure the desired outcome. (J. Davis 3/28/12 Request to CC))
It appears that the Ballona habitat is characterized dependent upon financial requests---not on reality or science based requests.

- Despite repeated requests for public follow up with regard to the bond money and that project, (including a request made for information at the recent Ballona Watershed Task Force Meeting) none has been forthcoming from MRCA staff or CC staff.

"In 2008, the Conservancy authorized funds to the MRCA for planning, final design and implementation of specific public access improvements identified in the Ballona Wetlands Early BALLONA WETLANDS PUBLIC ACCESS IMPROVEMENTS

Action Plan. MRCA has completed much of that work and as a result of that planning effort, the project partners determined that some of the specific access improvements identified in that plan may need to be re-evaluated and others should be reviewed and permitted as part of the larger wetland restoration project. Rather than pursue the Early Action Plan improvements, the project partners decided that it is a higher priority to develop targeted educational and public access programs in the northern 300 acre portion of the site where there is currently almost no public access. The proposed project would also provide funding for MRCA to continue working on planning public access improvements for inclusion in the ultimate restoration project."

This inconsistency for request/approval and follow-up on bond funds continues to remain unexplained.

And, how does removal of the levees- the lower leg of the "Class 1 bike path" fit with the public's money expended below?:

"In 2000, the Conservancy helped fund a regional plan for creation of a "Park to Playa" river parkway from the Baldwin Hills to Marina Del Rey. The plan envisioned creation of a parkway along Ballona Creek to link expanded parks at the Baldwin Hills to the beaches and the Coastal Trail. In 2001, the Conservancy helped fund the Ballona Creek and Trail Focused Special Study which identified potential improvements to the creek and trail. Consistent with that study, the Conservancy has also provided funding for the construction of a pedestrian bridge in Culver City which increased access to the Ballona Creek Trail. That project has been completed. This project will help to implement the vision of the "Park to Playa" and the Focused Study, developing a multi-benefit gateway park that will increase access to the trail and enhance the experience of trail users. File No. 07-058-01; Project Manager Mary Small

Conservancy funds for this project are expected to derive from the Conservancy's FY2002/03 appropriation from Proposition 40."

3. Staff Recommendation pg. 9 of 9 re: Consistency With Local Coastal Policies fails to provide accurate Local Coastal Plan (LCP)background information.

The Coastal Commission certified the first LUP in 1984, the La Ballona MDR Land Use

Plan.

The Land Use Plan was then changed to reflect two distinctly different Land Use Plans, the La Ballona Plan and the new and different MDR LUP.

It is questionable as to if the California Coastal Commission certified another Land Use Plan for the Playa Vista Project.

Consistency with the California Coastal Act must be consistent with Chapter 3 of that Act.

The Project will not restore, but will instead convert the land from one historic natural function to an entirely new function that is unnatural.

Lack of saltwater connection is demonstrated in historic maps from the U.S. Geological Survey. (A USGS map was submitted at the public hearing on Jan 19,2012. The CC remains nonresponsive)

Grassroots Coalition respectfully requests a written response to this Additional Complaint and maintains its request for response to the 3/29/12 REQUEST TO RESCIND APPLICATION FOR STAFF RECOMMENDATION APPROVAL ON 1/19/12, to award \$6,490,000 Ballona Wetlands Restoration Engineering and Technical Studies. (File 04-088)

The PRA response CD cited herein, is on file with the Coastal Conservancy. Copies of the CD are available upon request and/or are being forwarded.

GC also reserves its right to amend this Complaint and Request with additional information.

Attached is the 3/28/12 Request to Rescind from John Davis to Ca.Coastal Conservancy regarding File No. 04-088

Respectfully,
Patricia McPherson, Grassroots Coalition-President

California Coastal Conservancy

March 28, 2012

Att: All Governing Board Members and Alternates

Re: PUBLIC COMMENT 3/29/12:

Request to Hold Emergency Meeting to Rescind Approval Action on File No. 04-088

Douglas Bosco
Marisa Moret
Ann Nothoff
John Laird
Ana J. Matosantos
Mary Shallenberger
Susan Hancsh
Karen Finn
Bryan Cash
Noreen Evens
Joe Simitan
Anthony Cannella
Bill Mornning
Luis Alejo
Das Williams

CC

John Chiang State Controller
California Department of Finance Director Ana Matosantos
U.S. Army Corp of Engineers Att: Commander Mark Toy
U.S. Senator Barbara Boxer
U.S. Congress Person Maxine Waters

Honorable Chair Bosco, Distinguished Commissioners,

Attachments will be submitted to the Governing Board on March 29, 2012.

I hereby request this public body instruct its Staff to schedule an emergency meeting in accordance with the Bagley Keene Act section 11125.5(b) to rescind its approval of File No. 04-088 on January 19, 2012 for the following reasons;

1. NON-COMPLIANCE DEPARTMENT OF FINANCE ATTACHMENT 1

Final Report—Audit of California State Coastal Conservancy's Propositions 12, 13, 40, 50 Bond Funds

The Department of Finance, Office of State Audits and Evaluations, has completed its audit of the California State Coastal Conservancy's (Conservancy) Propositions 12, 13, 40, and 50 bond funds for the period ending June 30, 2008.

Staff Project Manager Mary Small **failed to require Potential Grantee**, the Santa Monica Bay Restoration Foundation, **to fill out a Grant Application Form** on the Conservancy Website.

Background:

On January 24, 2011 The **California Department of Finance Issued a Final Report – Audit** of the California State Coastal Conservancy. The Report Found that ;

*The Conservancy did not establish formal program guidelines: project awarding criteria; and **grant applications** to document its project merit review process. Also, the Conservancy website included limited or incomplete information about ongoing programs and efforts, regional priorities, and funding opportunities.*

On October 7, 2010, Executive Director Samuel Schuchat responded to the Audit.

*The **Conservancy website has been updated to included the standardized grant application**, more information about funding opportunities.*

The Conservancy has formally adopted project selection criteria, and a formal, transparent awarding process that follows statute.

*It generally does not institute grant rounds but instead has an **open grant process**. **Application can be and are made, and these are considered at any time.***

*With respect to the form of **grant applications**, based on discussions with the auditors, we have created a **uniform grant application** that is posted on our website. There is now more information available to the public concerning priorities and how to apply for funding.*

*We have developed a **standard grant application that is now in use.***

A. Staff Project Manager Mary Small failed to obtain any written documentation to identify the Potential Grantee, no address, no agent name, nor an account to which the grant could be deposited is recorded.

B. Staff Project Manager Mary Small had no paperwork whatsoever from the Potential Grantee prior to January 19, 2012 nor did the Potential Grantee request funding. Staff did not provide public notice that such Grant Funds were available to other qualified entities.

C. Staff Project Manager Mary Small failed to determine if the private business, Santa Monica Bay Restoration Foundation was legally operating out of a State Water Board Office, the Los Angeles Regional Water Quality Control Board. Filings with the California Secretary of State show the private business is operating out of a State Office. There is no legal authority allowing for this.

D. Staff Project Manager Mary Small failed to disclose the fact she was a Director of the Corporation of the Proposed Grantee in 2006 creating an appearance of impropriety.

2. FALSEFICATION OF PUBLIC RECORDS ATTACHMENT 2

Staff falsified a Form SCC 08-08, Work Transmittal.

The Form was initialized by;

Executive Director - Sam Schuchat

Project Manager - Mary Small

Legal - Elena Eger

Staff filled out the form as follows:

Will this project receive federal or other outside funding? Yes ___ No X

The January 19, 2012 Staff Report contradicts on page 6 :

"The SMRBF in-kind funds would come from U.S. EPA funding provided to the SMRBF for its staff and from a U.S. EPA Wetland Program Development Grant received for work at Ballona"

3. INCOMPLETE PUBLIC RECORDS ATTACHMENT 2

Staff failed to complete Form SCC 08-08, Work Transmittal.

The Form was initialized by;

Executive Director - Sam Schuchat

Project Manager - Mary Small

Legal - Elena Eger

Is the Grantee a Nonprofit Organization Yes ___ No ___ - NOT CHECKED

If nonprofit: Is the status file complete and current Yes ___ No ___ - NOT CHECKED

GRANT / CONTRACT AMMENDMENTS REVIEW - BLANK

MAIL OUT APPROVALS - BLANK

APPLICATION - BLANK

GRANT TRANSMITTAL - BLANK

REVIEW OF AGREEMENT - BLANK

4. DISCRIMINATION ATTACHMENT 3

Staff Project Manager Mary Small has improperly lobbied private individuals, private businesses, State and Federal Officials and entities prior to the release of the Staff Report, thusly, discriminating against all others by failing to provide the same comment opportunity prior to the issuance of the Staff Report.

Further Discrimination has taken place because only one Potential Grantee has been selected by Staff Project Manager Mary Small, excluding all others that may have chosen to apply.

Moreover, Discrimination has taken place in that only a select group of Potential contractors was noticed by Staff Project Manager Mary Small, in non-compliance with the California Contract Code, excluding all other qualified firms.

5. PREJUDICE OF PROCESS ATTACHMENT 4

Staff Project Manager Mary Small requested Potential Grantee to help write Staff Report.

Staff Project Manager Mary Small worked with Potential Grantee to engage in media spin to avoid scrutiny.

6. STAFF REPORT EXCLUDED VITAL INFORMATION ATTACHMENT 5

The Staff Report is ambiguous. It describes the Grantee in detail with no supporting documentation whatsoever.

The Staff Report does not establish terms of compliance for the Proposed Grantee nor for entities that will complete the described studies.

The Staff Report does not define that contractors will be hired. Staff Project Manager Mary Small discussed hiring contractors with the Potential Grantee and others before the Staff Report was approved, purposely avoiding the requirement under the Bagley Keene Act for the Governing Board to approve contractors and Notice requirements of the California Contract Code.

Legal Staff Elena Eger encouraged Staff Project Manager Mary Small to complete a grant agreement form because I requested it pursuant to the Public Records Act. The form should have been completed without my request for it.

The Staff Report failed to inform this Board that a Federal Environmental Protection Act Process was initiated by the Army Corp of Engineers Los Angeles in 2005 that governs the Ballona Wetlands.

Staff has failed to inform the Governing Board and Public that the Project Manager, Mary Small, lobbied the Department of Fish and Game to ignore the EIS Notice published in the Federal Register, in favor of a new EIR/EIS process desired by the Project Manager and the Proposed Grantee, without informing and seeking authorization from this Governing Board. This clearly constitutes interference with a legally noticed federal NEPA process. Furthermore Staff Project Manager Mary Small failed to inform this Governing Board that the entire area is governed by U.S. Public Law 780, the Rivers and Harbors Act of 1954, which is the subject of the EIS process currently being conducted by the USACE.

In the Minutes of the Ballona Ecosystem Restoration Planning Management Committee, obtained from the USACE by FOIA Staff Project Manager Mary Small, without the

authorization of this Board, represented to the Army Corp of Engineers on June 28, 2010 that:

Coastal Conservancy is supplying most of the funding toward the in-kind local sponsor efforts.

The Governing Board has not authorized Mary Small to represent the Coastal Conservancy at a meeting of the Army Corp of Engineers and the Local Sponsor (Santa Monica Bay Restoration Authority). The Conservancy is neither a partner nor is there any MOU to with the SMRBA, which is under contract to the USACE. Minutes of other such meetings provide evidence that Mary Small also discussed;

A. Changing the scoping of an Environmental Protection Act process began by the USACE in 2005.

B. Using only the Conservancy's Alternatives.

C. Attempting to gain in kind credits from the USACE.

D. Further documents provided by the USACE provide evidence that the local sponsor, never provided any funding to the USACE whatsoever nor did it provide any in-kind credit.

E. Resumes provided to the Coastal Conservancy by potential contractors for this Project include studies finished and paid for by federal funding stated in the resume(s) as part of the Lower Ballona Creek Feasibility Studies of the Joint EIR/EIS (2005) initiated by the USACE.

7. VIOLATIONS OF CALIFORNIA CONTRACT CODE ATTACHMENT 6

Staff Project Manager Mary Small failed to comply with the California Contract Code Notification and Conflict requirements, Sections 10140-10141 and 10515-10518.

Staff Project Manager Mary Small conducted a Request for Services for Contractors in 2009, and again in 2010 in regard to a Project not noticed to the Public or Governing Board until 2012, both in non-compliance with California Contract Code.

Staff Project Manager Mary Small purports to have initiated another Request for Services in February 2012 with responses due on the 29th of that month outside in non-compliance with the California Contract Code.

8. VIOLATIONS OF BAGLEY KEENE ATTACHMENT 6

Staff failed to obtain permission from the Governing Board to hire contractors to complete studies.

9. QUID PRO QUO INFERED ATTACHMENT 7

The attached e-mails contain an inference of a quid pro quo. The request for a support letter is accompanied by a discussion of bond money provisions. In one email a support letter request exists alongside a discussion to close out another matter, without specificity.

**10. INIMIDATION AND HARRASSNMENT OF PUBLIC BY LEGAL STAFF
VIOLATING STATE LAW AND AGENCIES PRIVACY POLICY
ATTACHMENT 8**

Legal Staff Elena Eger has attempted to intimidate and harass me by copying private business persons on emails to me which disclose my private address, even after I requested the practice cease in writing, in clear contradiction to Information Practices Act (Civil Code section 1798 et seq.) and the Agencies Privacy Policy.

Staff has violated the Conservancy Privacy Policy by the aforesaid action(s).

Privacy Policy

Pursuant to Government Code § 11019.9, all departments and agencies of the State of California shall enact and maintain a permanent privacy policy, in adherence with the Information Practices Act of 1977 (Civil Code § 1798 et seq.), that includes, but is not necessarily limited to, the following principles:

- (a) Personally identifiable information may only be obtained through lawful means.*
- (b) The purposes for which personally identifiable data are collected shall be specified at or prior to the time of collection, and any subsequent use of the data shall be limited to and consistent with the fulfillment of those purposes previously specified.*
- (c) Personal data may not be disclosed, made available, or otherwise used for a purpose other than those specified, except with the consent of the subject of the data, or as required by law or regulation.*
- (d) Personal data collected shall be relevant to the purpose for which it is needed.*
- (e) The general means by which personal data is protected against loss, unauthorized access, use, modification, or disclosure shall be posted, unless the disclosure of those general means would compromise legitimate agency objectives or law enforcement purposes.*

Each department shall implement this privacy policy by:

- Designating which position within the department or agency is responsible for the implementation of and adherence to this privacy policy;*
- Prominently posting the policy physically in its offices and on its internet website, if any;*
- Distributing the policy to each of its employees and contractors who have access to personal data;*
- Complying with the Information Practices Act (Civil Code § 1798 et seq.); the Public Records Act (Government Code § 6250 et seq.); Government Code § 11015.5, and all other laws pertaining to information privacy;*
- Using appropriate means to successfully implement and adhere to this privacy policy.'*

Sincerely,

A handwritten signature in cursive script, appearing to read "John Davis". The signature is written in black ink and is positioned to the right of the typed name.

John Davis
PO 10152
Marina del Rey Ca. 90295

ATTACHMENT 1

RE: Public Records Request from John Davis

From: Philip Wyels <PWyels@waterboards.ca.gov> (Add as Preferred Sender)
Date: Tue, Feb 21, 2012 2:26 pm
To: <jd@johnanthonydavis.com>

Mr. Davis, I apologize for the delay in responding to your request. I have been unable to locate any records within the possession of the State Water Resources Control Board that are responsive to your requests. The attached two documents may be of interest to you, however, in that they indicate that the Santa Monica Bay Restoration Project's relationship with the Santa Monica Bay Restoration Foundation (Foundation) pre-dated the conversion of the Santa Monica Bay Restoration Project to the Santa Monica Bay Restoration Commission (Commission). Also, as I explained to you by telephone, the Commission staff is currently undertaking a number of steps to more clearly distinguish the Commission from the Foundation. Unfortunately, some of those steps are taking some time. I will let you know when I receive a timetable for those steps from Commission staff.

Sincerely,
Phil

Philip G. Wyels
Assistant Chief Counsel
State Board Water Quality Unit
State Water Resources Control Board

1001 I Street
P.O. Box 95812-0100
Sacramento, CA 95814

(916) 341-5178 (phone)
(916) 341-5199 (fax)
[<pwyls@waterboards.ca.gov>](mailto:pwyls@waterboards.ca.gov)

From: <jd@johnanthonydavis.com>
To: Philip Wyels <pwyls@waterboards.ca.gov>
CC: Michael Lauffer <MLauffer@waterboards.ca.gov>
Date: 2/21/2012 10:00 AM
Subject: RE: Public Records Request from John Davis

California State Water Board
Att: Phil Wyels
Re: Status Request Public Record Request

Council Wyels,

The California Public Records Act requires that Agencies subject to the Act reply to request for records within 10 days after a request is made.

The State Water Resources Board has not complied with the law in this respect in regard to the request for records made on 2/7/12.

Please advise as to if or when the State Agency will reply.

Thanks,

John Davis

----- Original Message -----

Subject: Public Records Request from John Davis

From: <jd@johnanthonydavis.com>

Date: Tue, February 07, 2012 3:03 pm

To: "Philip Wyels" <pwyls@waterboards.ca.gov>

Cc: "Elena Eger" <eeger@scc.ca.gov>

California State Water Board

Att: Phil Wyels

Re: Public Record Request

Dear Mr. Wyeles,

This is a request for public records pursuant to the California Public Records Act. Each numbered request is distinct.

1. Please provide any record of any law, regulation, or policy of the State Water Board which allows
a private business to operate out of a State Water Board Office.
2. Please provide any record of any law, regulation, or policy that allows a private business to use a State Water Board Office as a corporate street address of principal office in California, and or as a mailing address of the corporation, and or mailing address of the corporation, and or address of a corporate Chief Executive Officer, and or of a corporate secretary, and or of a corporate financial agent.
3. Please provide any law, and or regulation, and or policy that allows any State Water Board Commission to
designate a private business as its "FISCAL AGENT"
4. Please provide any law, and or regulation, and or policy that allows any State Water Board Commission to designate a private business to receive, manage, and to treat money granted by the U.S. Government to the State of California as revenue of the private business.

Thank you for your continued assistance,

John Davis
PO 10152
Marina del Rey Ca. 90295
310.795.9640

From: [Elena Eger](#)
To: ["jd@johnanthonydavis.com"](mailto:jd@johnanthonydavis.com)
Cc: ["Shelley Luce"](#); ["svalor@santamonicaabay.org"](mailto:svalor@santamonicaabay.org); ["Mary Small"](#); ["Dick Wayman"](#); ["Nadine Peterson"](#); ["Samuel Schuchat"](#)
Subject: Davis call to Eger of 2-6-12
Date: Tuesday, February 07, 2012 1:00:00 PM
Attachments: [SWRCB memo2011aug re accusations.pdf](#)
[SWRCB Ltr to Davis re PRAs.pdf](#)

Dear Mr. Davis:

Pursuant to our phone conversation of yesterday, February 6, 2012, in which you provided a warning to me that the Conservancy should be informed that the Santa Monica Bay Foundation allegedly is appropriating public resources for private gain, attached please find the State Water Resources Control Board's (SWRCB) August 15, 2011 legal memo addressing your contentions and a September 13, 2011 letter to you regarding the same.

As analyzed in the SWRCB memo, especially in #3, pp. 4-5 of that memo, your contentions that the Foundation is improperly utilizing public resources for private use, namely in your assertions yesterday when you identified as improper the fact that the Foundation uses the same mailing address as the SWRCB's Los Angeles office, are specifically addressed. Frances McChesney, Esq., Office of the Chief Counsel for the SWRCB concludes in that memo that the Foundation is not improperly appropriating public resources for its private use.

The Conservancy intends to proceed with its grant to the Foundation approved as Item #5 at its January 19, 2012 meeting.

Sincerely,

Elena Eger
Senior Staff Counsel
California Coastal Conservancy
1330 Broadway, Ste. 1300
Oakland, CA 94612
510-286-4089 tele/voicemail
510-286-0470 fax

State of California
Secretary of State



E-945038

FILED

In the office of the Secretary of State
of the State of California

Feb - 5 2010

This Space For Filing Use Only

STATEMENT OF INFORMATION

(Domestic Nonprofit, Credit Union and Consumer Cooperative Corporations)

Filing Fee \$20.00. If amendment, see instructions.

IMPORTANT - READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

1. **CORPORATE NAME** (Please do not alter if name is preprinted.)

C1481142

SANTA MONICA BAY RESTORATION FOUNDATION

320 W 4TH ST STE 200

LOS ANGELES CA 90013

N

DUE DATE:

COMPLETE PRINCIPAL OFFICE ADDRESS (Do not abbreviate the name of the city. Item 2 cannot be a P.O. Box.)

2. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY

CITY

STATE

ZIP CODE

320 W 4TH ST STE 200 LOS ANGELES CA 90013

3. MAILING ADDRESS OF THE CORPORATION, IF REQUIRED

CITY

STATE

ZIP CODE

320 W 4TH ST STE 200 LOS ANGELES CA 90013

NAMES AND COMPLETE ADDRESSES OF THE FOLLOWING OFFICERS (The corporation must have these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

4. CHIEF EXECUTIVE OFFICER/

ADDRESS

CITY

STATE

ZIP CODE

SHELLY LUCE 320 W 4TH ST STE 200 LOS ANGELES, CA 90013

5. SECRETARY/

ADDRESS

CITY

STATE

ZIP CODE

CATHERINE TYRRELL 320 W 4TH ST STE 200 LOS ANGELES CA 90013

6. CHIEF FINANCIAL OFFICER/

ADDRESS

CITY

STATE

ZIP CODE

LAURIE NEWMAN 320 W 4TH ST STE 200 LOS ANGELES CA 90013

AGENT FOR SERVICE OF PROCESS (If the agent is an individual, the agent must reside in California and Item 8 must be completed with a California street address (a P.O. Box address is not acceptable). If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1505 and Item 8 must be left blank.)

7. NAME OF AGENT FOR SERVICE OF PROCESS

SHELLEY LUCE

8. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL

CITY

STATE

ZIP CODE

320 W 4TH ST STE 200 LOS ANGELES, CA 90013

DAVIS-STIRLING COMMON INTEREST DEVELOPMENT ACT (California Civil Code section 1350, et seq.)

9. ☐ Check here if the corporation is an association formed to manage common interest development under the Davis-Stirling Common Interest Development Act and proceed to items 10, 11 and 12.

NOTE: Corporations formed to manage a common interest development must also file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code section 1363.6. Please see instructions on the reverse side of this form.

10. ADDRESS OF BUSINESS OR CORPORATE OFFICE OF THE ASSOCIATION, IF ANY

CITY

STATE

ZIP CODE

11. FRONT STREET AND NEAREST CROSS STREET FOR THE PHYSICAL LOCATION OF THE COMMON INTEREST DEVELOPMENT
(Complete if the business or corporate office is not on the site of the common interest development.)

9-DIGIT ZIP CODE

12. NAME AND ADDRESS OF ASSOCIATION'S MANAGING AGENT, IF ANY

CITY

STATE

ZIP CODE

13. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

02/05/2010

SHELLEY LUCE

EXECUTIVE DIRECTOR

DATE

TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM

TITLE

SIGNATURE

Form 990

Return of Organization Exempt From Income Tax

OMB No. 1545-0047

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

2006

Open to Public Inspection

Department of the Treasury
Internal Revenue Service

The organization may have to use a copy of this return to satisfy state reporting requirements

A For the 2006 calendar year, or tax year beginning Jul 01, 2006, and ending Jun 30, 2007

- B Check if applicable:
- ☐ Address change
- ☐ Name change
- ☐ Initial return
- ☐ Final return
- ☐ Amended return
- ☐ Application pending

Please use IRS label or print or type See Specific Instructions

C Name of organization, number and street, city, town, state, and ZIP code

Santa Monica Bay Restoration
Foundation
320 West 4th Street Suite 200
LOS ANGELES CA 90013

D Employer identification number

33-0420271

E Telephone number

213-576-6642

F Acctg. method: ☒ Cash ☐ Accrual☐ Other (specify) ▶

Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

G Website: WWW.SANTAMONICABAY.ORG

J Organization type (check only one) ☒ 501(c)(3) (insert no) 4947(a)(1) or 527

K Check here ☐ if the organization is not a 509(a)(3) supporting organization and its gross receipts are normally not more than \$25,000. A return is not required, but if the organization chooses to file a return, be sure to file a complete return.

H and I are not applicable to section 527 organizations

H(a) Is this a group return for affiliates? ☐ Yes ☒ No

H(b) If "Yes," enter number of affiliates ▶

H(c) Are all affiliates included? (If "No," attach a list. See instructions.) ☐ Yes ☒ NoH(d) Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No

I Group Exemption Number ▶

L Gross receipts. Add lines 6b, 8b, 9b, and 10b to line 12 979,681.

M Check ☐ if the organization is not required to attach Sch. B (Form 990, 990-EZ, or 990-PF)**Part I** Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions)

1 Contributions, gifts, grants, and similar amounts received			
a Contributions to donor advised funds	1a		
b Direct public support (not included on line 1a)	1b	342,406.	
c Indirect public support (not included on line 1a)	1c		
d Government contributions (grants) (not included on line 1a)	1d	576,050.	
e Total (add lines 1a through 1d) (cash \$ 918,456. noncash \$)	1e	918,456.	
2 Program service revenue including government fees and contracts (from Part VII, line 93)	2	18,485.	
3 Membership dues and assessments	3		
4 Interest on savings and temporary cash investments	4	41,773.	
5 Dividends and interest from securities	5	967.	
6a Gross rents	6a		
b Less rental expenses	6b		
c Net rental income or (loss). Subtract line 6b from line 6a	6c		
7 Other investment income (describe ▶)	7		
8a Gross amount from sales of assets other than inventory	8a		
b Less cost or other basis & sales expenses	8b		
c Gain or (loss) (attach schedule)	8c		
d Net gain or (loss). Combine line 8c, columns (A) and (B)	8d		
9 Special events and activities (attach schedule). If any amount is from gaming, check here <input type="checkbox"/>	9		
a Gross revenue (not including \$ of contributions reported on line 1b)	9a		
b Less direct expenses other than fundraising expenses	9b		
c Net income or (loss) from special events. Subtract line 9b from line 9a	9c		
10a Gross sales of inventory, less returns and allowances	10a		
b Less cost of goods sold	10b		
c Gross profit or (loss) from sales of inventory (attach schedule). Subtract line 10b from line 10a	10c		
11 Other revenue (from Part VII, line 103)	11		
12 Total revenue. Add lines 1e, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11	12	979,681.	
13 Program services (from line 44, column (B))	13	757,878.	
14 Management and general (from line 44, column (C))	14	102,224.	
15 Fundraising (from line 44, column (D))	15	7,373.	
16 Payments to affiliates (attach schedule)	16		
17 Total expenses. Add lines 16 and 44, column (A)	17	867,475.	
18 Excess or (deficit) for the year. Subtract line 17 from line 12	18	112,206.	
19 Net assets or fund balances at beginning of year (from line 73, column (A))	19	872,326.	
20 Other changes in net assets or fund balances (attach explanation)	20		
21 Net assets or fund balances at end of year. Combine lines 18, 19, and 20	21	984,532.	

For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions.

Form 990 (2006) 7

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US990551 Rev 1

97

SCANNED MAR 04 2008

List of Officers, Directors, Trustees and Key Employees

US 990 990: Page 5, Part V; 990EZ: Page 2 Part IV; 990-PF: Page 6, Part VIII 2006

Name and Address		Title/Average Hours Per Week Devoted to Position	Amount Paid	Amount for Employee Benefit Plan	Expense Account and Other Allowances
Rod Spackman	320 W 4th St	President	2		
Randal Orton	320 W 4th St	CFO	2		
Mark Gold	320 W 4th St	Director	1		
Tom Ford	320 W 4th St	Director	1		
Richard Bloom	320 W 4th St	Director	1		
Fran Diamond	320 W 4th St	Director	1		
Marvin Sachse	320 W 4th St	Director	1		
Bob Hoffman	320 W 4th St	Director	1		
S Wisniewski	320 W 4th St	Director	1		
Laurie Newman	320 W 4th St	Director	1		
Mary Small	320 W 4th St	Director	1		
Bryant Chesney	320 W 4th St	Director	1		
Dean Kubani	320 W 4th St	Director	1		
Shelley Luce	320 W 4th St	Executive	40	55,830. 55,830.	

ATTACHMENTS 2

WORK TRANSMITTAL

Project Development Approval

Date: 12/13/11 WG Leader: MS Date: 12/13/11
 Project Manager: Mary Small Project #: 04-088-01
 Project Name: Ballena Wetlands County/City: LA²
 Grantee/Contractor Name: hbd / Santa Monica Bay Foundation
 Is Grantee a Nonprofit Organization? Yes No If Nonprofit: Is status file complete and current? Yes No
 Nature of Job: planning / design

RESERVATION OF FUNDS

Will this project receive federal or other "outside" funding? Yes ☒ No. If Yes, fill out back side of this form (Grant Transmittal - A)

Will this project receive state / other funding? Yes (Reimb. -0995) ☒ No. If Yes, fill out back side of this form (Grant Transmittal - B)

Total Amount to be Reserved: \$ 6,490,000.00

Prop 84 - Planning? Yes ☒ No

Proposed Budget Item(s):	Fiscal Year (Budget Act)	Amount	Encumb. Liquid.	Expiration Date
1. 3760-30203-0005 (2)(B)()	2000 Chapter: <u>057</u>	\$ <u>6,490,000.00</u>	(<u>6/13</u>) (<u>6/15</u>)	
2. 3760- () () ()	Chapter: <u> </u>	\$ <u> </u>	(<u> </u>) (<u> </u>)	
3. 3760- () () ()	Chapter: <u> </u>	\$ <u> </u>	(<u> </u>) (<u> </u>)	

Resp. by Chapter: 712/10 for item 1 Resp. by Chapter: for item Resp. by Chapter: for item

Program: enhancement Project Info entered onto applicable Bond Data Spreadsheet? Y ☒ N Date: MA

 Public Access: VRA (Capital Outlay)

 Habitat Conservation Fund (0262)

 Support: 001 Fund 0565 only: Yes

IT Consult & Prof. (External) (Inter-Dept.)

Repayment Feature? (Loan Receivable) Yes ☒ No

Private Activity? Yes No ☒ N/A
(Tax Reportable to Treasurer's Office)

Expected Date of Board Action: 4/19/12 Project Entered onto SCC Database? Y ☒ N Date: 12/13/11

1. WG Leader: MS Date: 12/13/11 4. Legal: EE Date: 12/14/11
 2. Acctg Officer: HT 6.49M Date: 12/13/11 5. EO/DEO: SS Date: 12/15/11
 3. Additional WG Leader responsible for management of specific funds (if applicable): Date:

STAFF RECOMMENDATION REVIEW (For 1/19/12 Board Meeting)

1. WG Leader: MS Date: 12/13/11 3. EO/DEO: SS Date: 12/15/11
 2. Legal: EE Date: 12/14/11 4. *Legal: Date:

*At EO/DEO's discretion

GRANT/CONTRACT AMENDMENTS REVIEW

(CEQA Submitted? Yes No N/A Project Manager Date:)

Amount Encumbered: \$

Termination Date:

Disabled Veteran Business Enterprise (DVBE)? Yes No

Small Business Enterprise (SBE)? Yes No

(If Yes, provide OSDS#)

Grant/Contract No.:

Amendment No.:

20-yr Agreement? Yes No

MAIL OUT APPROVALS

1. Legal: Date: 2. Project Manager: Date:
 3. Proofreader: Date:

GRANT TRANSMITTAL

Grant No. _____

(for receivable grants)

INTENT TO APPLY

Date: _____

Project Manager: _____

SCC Program: _____

Grant Amount: _____

Grant Program Name: _____

Granting Agency: _____

Project Name: _____

Project Number: _____

SCC required Matching Funds: (if other than in-kind services, please use reverse side of this form to reserve SCC funds)

In - Kind: \$ _____

(Copy from reverse side)

Support: \$ _____

Fund No.: _____ FY: _____

Capital Outlay: \$ _____

Fund No.: _____ FY: _____

TOTAL: \$ _____

Funding Mechanism: _____ Will or will not hit SCC account? _____ Electronic Transfer? _____

Paid in Arrears? _____ Cash Advance? _____

(A) For Federal Grant

Support (Staff, travel, equipment): \$ _____

3760 - 001- 0890 FY: _____

Capital Outlay: \$ _____

3760 - 301- 0890 FY: _____

Other (Specify) _____: \$ _____

3760 - _____ FY: _____

TOTAL: \$ _____

(B) For State Reimbursable Grant

(Please use reverse side of this form to reserve up-front SCC funds)

Support (Staff, travel, equipment): \$ _____

3760 - 001 - 0565 - F90 FY: _____

Capital Outlay: \$ _____

3760 - 301 - _____ - F90 FY: _____

Other (Specify) _____: \$ _____

3760 - _____ - _____ - F90 FY: _____

TOTAL: \$ _____

Authorization:

Program Manager: _____

Date: _____

Accounting Officer: _____

Date: _____

Grants Manager: _____

Date: _____

APPLICATION

(Provide copy of Application to Grants Manager)

Legal * _____

Date: _____

*Please inform Grants Manager if signature are missing in the "INTENT TO APPLY" SECTION

EO/DEO: _____

Date: _____

Date Applied: _____

Expected Date of Grant Award: _____

REVIEW OF AGREEMENT (for receipt of funds)

Board Authorization To Spend The Grant:

Project Manager: _____

Date (s): _____

Program Manager: _____

Date: _____

Legal: _____

Date: _____

EO/DEO: _____

Date: _____

Grants Manager: _____

Date: _____

Amendment #: _____

Legal Reviewed by: _____

Inform Acct. Date: _____

Date: _____

ATTACHMENT 3

From: Mary Small
To: sluce@santamonicabay.org; "Barbara Romero"
Subject: FW: hard copy in the mail tomorrow
Date: Friday, January 06, 2012 4:04:00 PM

-----Original Message-----

From: Ruth Galanter [<mailto:ruth.galanter@verizon.net>]
Sent: Friday, January 06, 2012 3:57 PM
To: Mary Small
Subject: Re: hard copy in the mail tomorrow

I am planning to attend the meeting, and I'm trying to get some more support letters and maybe attendees. You have no idea how much pleasure I would get from foiling your opponents. I can either stand up during the hearing, or if you want, I can instead meet you and the board between the tour and the meeting (since you must be going to feed them someplace) and just chat informally.

Your choice. I'm free at about 11:30 and have a meeting at 3 pm. In between I am at your service.

On Jan 6, 2012, at 3:50 PM, Mary Small wrote:

> Thanks that's a very generous offer. If you have time to attend the
> meeting, that would be great. It starts at 1pm at Baldwin Hills Scenic
> Overlook and this is the first substantive item on the agenda. I will have
> pretty limited time to present, but could acknowledge you and if you were
> willing to speak in public comment on the item that would fantastic.
> Mary

>

> -----Original Message-----

> From: Ruth Galanter [<mailto:ruth.galanter@verizon.net>]
> Sent: Friday, January 06, 2012 9:52 AM
> To: Mary Small
> Subject: Re: hard copy in the mail tomorrow

>

> I'm available after about 11:30, and you might want to use me as part of a
> board briefing in light of my nearly two decades dealing with the issue.
> That of course is up to you, and I promise not to get huffy if you'd rather
> not.

>

> On Jan 6, 2012, at 9:10 AM, Mary Small wrote:

>

>> Thank you very much, your letter is perfect and I appreciate your quick
>> response. It would be great to have a few supporters at the meeting, I am
>> sure the opponents will attend.

>>

>> We are also going to take the Coastal Conservancy board on a quick tour of
>> the site the morning before the meeting from 10-12. I know you are very
>> busy but it would be great if you wanted to join us for either the tour or
>> to attend the meeting.

>> Mary

>>

>> -----Original Message-----

>> From: Ruth Galanter [<mailto:ruth.galanter@verizon.net>]
>> Sent: Thursday, January 05, 2012 9:13 PM
>> To: Small Mary
>> Subject: hard copy in the mail tomorrow

>>

>> Hi Mary,
>>
>> I've emailed you my letter and will send the hard copy tomorrow.
>>
>> I've also emailed various people to suggest attending the hearing in case
>> the eco-loonies show up, as I suppose they will.
>>
>> Have a good weekend.
>>
>> Ruth
>>
>>
>>
>
>
>
>

From: Mary Small
To: "Shelley Luce"
Subject: FW: Letter for Coastal Conservancy Board
Date: Tuesday, December 13, 2011 1:21:00 PM

Do you know Ruth?

From: Joan Cardellino [mailto:jcard@scc.ca.gov]
Sent: Tuesday, December 13, 2011 11:57 AM
To: 'Mary Small'
Subject: RE: Letter for Coastal Conservancy Board

It might be worth calling Ruth Galanter to see if she'd speak in support of the project. She has some good credentials. She might know of other supporters to ask too.

From: Mary Small [mailto:mssmall@scc.ca.gov]
Sent: Tuesday, December 13, 2011 10:38 AM
To: 'Shelley Luce'
Cc: 'Joan Cardellino (Joan Cardellino)'
Subject: RE: Letter for Coastal Conservancy Board

Hi Shelley-

Do you have time to talk about our Jan meeting? I know you have a board meeting this week, so we could also do this via email – or next week, but before next Fri I'd like to work through some ideas:

- 1) Tour – we'll probably do a tour the morning of the meeting, I think maybe the tour we did with Colonel Toy – view from Cabora Rd and then walk out to boyscout platform
- 2) Press – do you think we could use this meeting as an opportunity to get either local papers and/or try for LA Times to cover the project? I am worried that once the agenda is out Marcia will use as opportunity to get bad press. Our agenda will be mailed out Jan 6th
- 3) Public support – who could we have come to support the project at the meeting or with letters? Geraldine is critical (at least her letter) but how about MRCA?, Joe Geever?, Ballona Creek Renaissance?, Friends?, Miguel Luna?, Audubon? HtB? Baykeeper?

Thanks,
Mary

From: Shelley Luce [mailto:sluce@santamonicabay.org]
Sent: Monday, December 12, 2011 3:22 PM
To: Mary Small
Subject: FW: Letter for Coastal Conservancy Board

Hi Mary, Geraldine thought her letter went out already. Have you received? I also invited her to tour the wetlands with us after the meeting.

*Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission*

From: Mary Small
To: "Bryant Chesney"
Cc: "sluce@santamonicabay.org"
Subject: FW: support letter for Ballona Funding
Date: Friday, January 06, 2012 9:57:00 AM
Attachments: [Ballona Wetlands Engineering and Technical Studies.docx](#)
[ballona support letter 1.docx](#)
[ballona support letter 2.docx](#)

Hi Bryant

I was wondering if you would be willing to send a letter of support (samples attached) to the Coastal Conservancy for the Ballona wetlands project. Also attached is the draft staff recommendation. The Conservancy will be considering this authorization in LA on Jan 19th, we will take the board on a quick tour of the site before the meeting. If you have time, it would be great to have you attend either of those events too.

This is the request for all funding to complete the environmental review, 100% engineering, and all of the hydrology/hydraulics modeling that the Army Corps is requiring for its permit to modify the flood control levees. The later analysis is the about half of the cost estimate.

Since the meeting will be in LA, opponents of the project are likely to show up. This approval is pretty critical to moving the project forward. If the Conservancy Board gets frightened away from large scale, ecological restoration then I think we will have very limited options for the future.

Thanks for your consideration and please let me know if you have any questions.
Mary

From: Mary Small
To: "Miguel Luna"
Cc: "Shelley Luce"
Subject: FW: draft support letter for SCC board meeting
Date: Tuesday, January 03, 2012 1:29:00 PM
Attachments: SCC Ballona Tech Support Ltr.docx

Hi Miguel

Happy New year! Hope you are well.

Is there any chance you would be willing to send a letter of support to the Coastal Conservancy for authorization of funding to continue design of the restoration project? I don't know if Shelley contacted you, but it would be great to get community groups weighing in who support ecological restoration. Our meeting will be in LA, so I expect there will be some opposition.

Please let me know if you have any questions or need more info.

Thanks,

Mary

December 14, 2011

Mr. Doug Bosco, Chairman
State Coastal Conservancy
1330 Broadway, #1300
Oakland, CA 94612
Attn: Mary Small

RE: Proposed Conservancy Authorization for Ballona Wetlands Restoration Engineering and Technical Studies

Dear Chairman Bosco:

I am writing to encourage the Conservancy to authorize funding for the Ballona Wetlands Ecological Reserve Restoration Project planning process. These authorizations would enable the development of technical assessments and engineering design, technical review and agency coordination to support environmental impact analysis and permit applications for the restoration of the Ballona Wetlands Ecological Reserve (BWER).

The Ballona Wetlands Ecological Reserve is 600 acres, surrounded by urban Los Angeles County. The BWER provides valuable and scenic open space in the heart of congested Los Angeles County and offers one of the largest and most promising opportunities for coastal wetland restoration in the region. When restored and opened to the public, the site will allow millions of residents and visitors a rare opportunity to experience a coastal wetland. I support this project because it will help to move the restoration of the Ballona Wetlands Ecological Reserve closer to fruition. Thank you for your consideration of this project.

Sincerely,

From: Mary Small
To: "Shelley Luce"
Subject: RE: draft support letter for SCC board meeting
Date: Tuesday, January 03, 2012 1:27:00 PM

Thanks!

I will talk to Sam about Boxer and Feinstein. Can LA Co DPW send a letter or do you think that is covered by the Supervisors?

Mary

From: Shelley Luce [mailto:sluce@santamonicabay.org]
Sent: Tuesday, January 03, 2012 1:25 PM
To: Mary Small; Diana Hurlbert
Subject: RE: draft support letter for SCC board meeting

Hi Mary,

We are working on:

Knabe

MRT

Friends of BW

So Cal Edison

So Cal Gas

LMU

Waxman

Lieu

Butler

Rosendahl

And Anyone else you want to add to that list. Figured Feinstein and Boxer will be more important later, and that you and Sam are the best ones to approach them.

*Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444*

www.santamonicabay.org

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 1:06 PM
To: Shelley Luce; Diana Hurlbert
Subject: FW: draft support letter for SCC board meeting

Hi

I belatedly just sent this request to DFG and SLC. The only support letter I have is from MRCA, though I know the port is working on one too. Can you let me know who you are working on

getting letters from and if there is anyone else I should follow-up with?

Thanks

Mary

From: Mary Small [mailto:msmall@scc.ca.gov]

Sent: Tuesday, January 03, 2012 1:04 PM

To: 'Griggs, Pamela@SLC'; 'Terri Stewart'; 'dlawhead@dfg.ca.gov'; 'Rick Mayfield (rmayfield@dfg.ca.gov)'

Subject: draft support letter for SCC board meeting

Hi

Sorry I didn't send this to you earlier, I meant to send it before the holidays, but forgot. I was wondering if your agencies would send a support letter to Coastal Conservancy for the requested authorization for funds for engineering and final design for Ballona. Our meeting will be in LA so I expect there will be some opposition and it is a huge funding request since we decided to do the EIR and permitting for the whole project.

If you could attend the site tour of Ballona and the meeting (both on Jan 19th) that would be great too.

Please let me know if you have any questions or need more info.

Thanks

Mary

Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444

www.santamonicabay.org

From: Knatz, Geraldine [mailto:knatz@portla.org]
Sent: Sunday, December 11, 2011 1:00 PM
To: Shelley Luce; Zordilla, Eunice
Cc: Tankersley, Eileen
Subject: Re: Letter for Coastal Conservancy Board

The letter was drafted the day after you asked me. Not sure what happened. Eunice- can you check.

Geraldine Knatz
Executive Director
Port of Los Angeles

From: Shelley Luce [mailto:sluce@santamonicabay.org]
Sent: Friday, December 09, 2011 04:26 PM
To: Knatz, Geraldine
Cc: Tankersley, Eileen
Subject: Letter for Coastal Conservancy Board

Dear Geraldine,

When we spoke a month or so ago, I asked if you would provide a letter to Sam Schuchat and his Board regarding your interest in the Ballona Wetlands restoration project. The January meeting of the Conservancy Board will be in Los Angeles and Sam will ask the Board to approve a large sum for continuing the planning and permitting of the restoration project, so your support of the project and interest in providing mitigation funding is important. Do you still intend to provide a letter and can I help with drafting? Also, we will give the Board members a tour of the wetland and briefing on the restoration plan before or after the Board meeting. As soon as we have a date I will send you an invitation and hope that you could come along.

Thank you Geraldine,
Shelley

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
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Los Angeles, CA 90045
310-961-4444

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Mark Gold, D.Env. | President

Heal the Bay | 1444 9th Street | Santa Monica CA 90401

Tel: 310 451 1500 X123 | Fax: 310 496 1902 | mgold@healthebay.org

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From: Mary Small [<mailto:msmall@scc.ca.gov>]

Sent: Tuesday, January 03, 2012 2:16 PM

To: Mark Gold

Subject: support letter for SCC board meeting?

Hello Mark,

Happy New Year. I am emailing to see if Heal the Bay would be willing to send a letter of support to the Coastal Conservancy for the recommendation that we authorize \$6.5M for the design and engineering of the proposed restoration project? My draft staff report is attached along with a sample letter. I know you have talked to Shelley about the project, but I would be happy to give you an update at any time. Of course I understand if you are not prepared to take a position on this project at this point, but our meeting will be in Culver City, so I expect there will be some opposition.

Please let me know if you have any questions or need more info.

Thanks,

Mary

From: Shelley Luce
To: Mary Small; Karina Johnston
Subject: Fw: Coastal Conservancy funding to complete Ballona Wetlands restoration planning
Date: Wednesday, January 18, 2012 10:13:14 PM
Attachments: BCR Support for SCC Ballona Wetlands Funding Authorization.pdf

Jim Lank comes through! Karina or Elena can you please print a copy for me when you get in the office tomorrow? Thank you.

Shelley,

Emails have been flying today, with the end result that BCR is a strong supporter of the requested authorization. See the attached letter. Should we bring copies to give to the board and staff?

As I said before, both Bobbi Gold and I plan to be at the Scenic Overlook for the 1pm meeting start. Bobbi plans to be there for the whole discussion of the agenda item, while I'll stay as long as I can. Both of us plan to sign in to speak on the item. As part of that, I assume it would be appropriate to read the letter, at least in part. If not, let me know.

I hope the tour and meeting both go well. FYI, I'll be leaving soon for another meeting.

Thanks again for your quick response with the helpful cost information.

Jim

Jim Lamm, President

Ballona Creek Renaissance (BCR)...Connecting Creek and Community from the Hills to the Bay
310-839-6896, 310-367-0336 (c), <http://facebook.com/ballonacreekrenaissance>, www.ballonacreek.org

From: Shelley Luce <sluce@santamonicabay.org>
To: Jim Lamm <jim.lamm@sbcglobal.net>
Sent: Wed, January 11, 2012 11:19:55 AM
Subject: RE: [REPLY] Fw: Coastal Conservancy funding to complete Ballona Wetlands restoration planning

Thank you very much Jim! I hope you had a nice holiday too. It's going to be a great 2012.
Shelley

*Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444*

www.santamonicabay.org

From: Jim Lamm [mailto:jim.lamm@sbcglobal.net]
Sent: Wednesday, January 11, 2012 10:58 AM
To: Shelley Luce

Subject: Re: [REPLY] Fw: Coastal Conservancy funding to complete Ballona Wetlands restoration planning

Shelley,

Please accept my apologies for this late response. Cathi and I were away on a 2 1/2 week driving trip to the Seattle area for a holiday visit with our kids and grandkids. Then after returning late last Thursday, we've been focused on moving Cathi's 93-year-old mom in with us. I'm just now beginning to turn more of my attention to a backlog of BCR and other matters.

Unfortunately I have an important 3pm meeting at Culver City Hall on the afternoon of the 1pm SCC board meeting at the Scenic Overlook. If I were able to speak on the restoration planning agenda item before about 2:40pm, it could work. Otherwise (or in addition) I might be able to get Bobbi Gold or another knowledgeable BCR board member to represent us.

As for a BCR support letter, I'm pretty sure that would not be a problem. This is on my list of things to bounce off the board prior to our next board meeting.

Here's to a great new year, despite the challenges ahead!
Jim

Jim Lamm, President

*Ballona Creek Renaissance (BCR)...Connecting Creek and Community from the Hills to the Bay
310-839-6896, 310-367-0336 (c), <http://facebook.com/ballonacreekrenaissance>, www.ballonacreek.org*

From: Shelley Luce <sluce@santamonibay.org>

To: Jim Lamm <jim.lamm@sbcglobal.net>

Sent: Fri, January 6, 2012 5:32:52 PM

Subject: Coastal Conservancy funding to complete Ballona Wetlands restoration planning

Hello Jim,

I hope you had a lovely Christmas and a happy new year! I did enjoy a nice break.

You may have heard that the Board of the Coastal Conservancy will meet in LA on Jan. 19 and will consider a request from their staff to authorize funding to complete the Ballona Wetlands restoration planning. The request is for about \$6.3M and most will go to consultants for additional engineering (through final design), to create a public access master plan, and to do extensive hydraulic modeling as required by Army Corp permitting (the major expense). About \$240k will come to SMBRF to fund Diana's position as well as monitoring on the site for the next three years. I don't know if there will be active opposition to this but I am preparing for that nonetheless. Also I see this as a good opportunity to let the SCC board members see the great support that exists in our community for restoration at Ballona.

Please let me know if you are able to support by letter or by attending the meeting. It was posted today on SCC website <http://scc.ca.gov/2012/01/06/coastal-conservancy-public-meeting-january-19-2012/>

I am attaching the staff report for the item and a couple of example support letters as well. Thank you Jim!
shelley

Shelley Luce, D.Env.

Executive Director

Santa Monica Bay Restoration Commission

Pereira Annex MS:8160

Subject: Re: Letter for Coastal Conservancy Board

The letter was drafted the day after you asked me. Not sure what happened. Eunice- can you check.

Geraldine Knatz
Executive Director
Port of Los Angeles

From: Shelley Luce [mailto:sluce@santamonicabay.org]

Sent: Friday, December 09, 2011 04:26 PM

To: Knatz, Geraldine

Cc: Tankersley, Eileen

Subject: Letter for Coastal Conservancy Board

Dear Geraldine,

When we spoke a month or so ago, I asked if you would provide a letter to Sam Schuchat and his Board regarding your interest in the Ballona Wetlands restoration project. The January meeting of the Conservancy Board will be in Los Angeles and Sam will ask the Board to approve a large sum for continuing the planning and permitting of the restoration project, so your support of the project and interest in providing mitigation funding is important. Do you still intend to provide a letter and can I help with drafting? Also, we will give the Board members a tour of the wetland and briefing on the restoration plan before or after the Board meeting. As soon as we have a date I will send you an invitation and hope that you could come along.

Thank you Geraldine,
Shelley

*Shelley Luce, D.Env.
Executive Director
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From: Mary Small
To: "Shelley Luce"; "Diana Hurlbert"
Subject: FW: draft support letter for SCC board meeting
Date: Tuesday, January 03, 2012 1:05:00 PM
Attachments: SCC Ballona Tech Support Ltr.docx

Hi

I belatedly just sent this request to DFG and SLC. The only support letter I have is from MRCA, though I know the port is working on one too. Can you let me know who you are working on getting letters from and if there is anyone else I should follow-up with?

Thanks

Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 1:04 PM
To: 'Griggs, Pamela@SLC'; 'Terri Stewart'; 'dlawhead@dfg.ca.gov'; 'Rick Mayfield (rmayfield@dfg.ca.gov)'
Subject: draft support letter for SCC board meeting

Hi

Sorry I didn't send this to you earlier, I meant to send it before the holidays, but forgot. I was wondering if your agencies would send a support letter to Coastal Conservancy for the requested authorization for funds for engineering and final design for Ballona. Our meeting will be in LA so I expect there will be some opposition and it is a huge funding request since we decided to do the EIR and permitting for the whole project.

If you could attend the site tour of Ballona and the meeting (both on Jan 19th) that would be great too.

Please let me know if you have any questions or need more info.

Thanks

Mary

*1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-216-9827
www.santamonicabay.org*

From: Jim Lamm [jim.lamm@sbcglobal.net]
Sent: Monday, November 14, 2011 8:51 PM
To: Jessica Hall
Cc: Diana Hurlbert; Shelley Luce
Subject: Re: Request for Support Letters - Urban Greening - Cochran Avenue

Jessica,

BCR's letter of support is attached. Here's to a successful project!
Jim

*Jim Lamm, President
Ballona Creek Renaissance (BCR)...Connecting Creek and Community from the Hills to the Bay
310-839-6896, 310-367-0336 (c), <http://facebook.com/ballonacreekrenaissance>, www.ballonacreek.org*

From: Jessica Hall <jishica@mac.com>
To: Jim Lamm <jim.lamm@ballonacreek.org>; diana hurlbert <dhurlbert@santamonicabay.org>
Cc: shelley <sluce@santamonicabay.org>
Sent: Mon, November 14, 2011 10:44:14 AM
Subject: Request for Support Letters - Urban Greening - Cochran Avenue

Hi Jim and Diana,
I am working on the urban greening grant for SMBRF for Cochran Avenue Gateway project. Jim, I was wondering if BCR would write a letter of support, and Diana, I was wondering if there were other stakeholders in the Ballona community that you have contact info for, that would also provide a letter of support. Any technical experts would be especially appreciated. A draft letter is enclosed.

The grant is due Thursday.

Thanks!
Jessica

From: Mary Small
To: "Mark Gold"
Cc: sluce@santamonibay.org
Subject: RE: support letter for SCC board meeting?
Date: Friday, January 06, 2012 4:23:00 PM

I was just talking to Shelley and we were wondering if you could send a staff person to the meeting even if you don't want to sign a letter? Maybe Meredith or someone on her staff could come to talk about the need to open the site to public access and restore nature in the city?

This authorization doesn't commit to any one project, we still will be going through CEQA and NEPA.

Thanks
Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 3:00 PM
To: 'Mark Gold'
Subject: RE: support letter for SCC board meeting?

Thanks, the meeting is the 19th so that's the deadline. Yes, I totally understand.

I was just sending Sarah an email about possible dates I'll be in LA when I'd like to stop in and talk about OPC, so maybe I'll see you then.

Happy new year (and MLPA implementation)
Mary

From: Mark Gold [mailto:mgold@healthebay.org]
Sent: Tuesday, January 03, 2012 2:39 PM
To: Mary Small
Subject: RE: support letter for SCC board meeting?

Mary – Happy new year to you too. We will definitely take a look at this and think it through. It is a great project and needs to happen. The political baggage that goes with it is no picnic as you know.

When is the deadline?

Mark Gold, D.Env. | President
Heal the Bay | 1444 9th Street | Santa Monica CA 90401
Tel: 310 451 1500 X123 | Fax: 310 496 1902 | mgold@healthebay.org

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From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 2:16 PM
To: Mark Gold
Subject: support letter for SCC board meeting?

Hello Mark,

Happy New Year. I am emailing to see if Heal the Bay would be willing to send a letter of support to the Coastal Conservancy for the recommendation that we authorize \$6.5M for the design and engineering of the proposed restoration project? My draft staff report is attached along with a sample letter. I know you have talked to Shelley about the project, but I would be happy to give you an update at any time. Of course I understand if you are not prepared to take a position on this project at this point, but our meeting will be in Culver City, so I expect there will be some opposition.

Please let me know if you have any questions or need more info.

Thanks,

Mary

From: Mary Small
To: "Dick Wayman"
Subject: FW: Ballona Wetlands presentation materials at SCC meeting
Date: Friday, January 20, 2012 4:03:00 PM

From: Shelley Luce [mailto:sluce@santamonibay.org]
Sent: Friday, January 20, 2012 3:12 PM
To: Mary Small; Karina Johnston; Diana Hurlbert
Subject: RE: Ballona Wetlands presentation materials at SCC meeting

Yes Mary - Karina or Diana can you please?

Also wanted to make sure you saw/heard the NPR coverage:

<http://www.spr.org/news/2012/01/20/30859/coastal-conservancy-npr-covers-6-5-million-ballona-wet/>

The MDR patch did a pretty good job covering - except Lisa F's comments which are confusing to me, but I will call her about it - and LATimes is going to run something this weekend, I am told. Fingers crossed.

<http://venice.patch.com/articles/coastal-conservancy-approves-6-5-million-for-ballona-wetlands-restoration-plans>

Thank you Diana and Karina for helping get this press coverage - the advance work we did made a HUGE difference! Please stay on top of me in the future to make sure we have the same success next time. great job.
shelley

*Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-216-9827
www.santamonibay.org*

From: Mary Small [msmall@scc.ca.gov]
Sent: Friday, January 20, 2012 2:52 PM
To: Karina Johnston; Diana Hurlbert
Cc: Shelley Luce
Subject: Fwd: Ballona Wetlands presentation materials at SCC meeting

Could one of you email this to him?
Thanks

sent from my phone

Begin forwarded message:

From: Rex Frankel <rexfrankel@yahoo.com>
Date: January 20, 2012 12:46:45 PST
To: Mary Small <msmall@scc.ca.gov>
Subject: Re: Ballona Wetlands presentation materials at SCC meeting
Reply-To: Rex Frankel <rexfrankel@yahoo.com>

Mary,

thank you for the presentation materials. However, on the Baseline monitoring report page,

<http://santamonibay.org/smbay/Programs/Projects/HabitatRestorationProject/BaselineAssessmentReport/tabid/203/Default.aspx>

the Chapter 4--Vegetation report does not come up when you click on it. I assume this is where Dr. Luce's conclusion comes from.

If you can, please email that chapter to me.

Thank you, Rex Frankel

From: Mary Small <msmall@scc.ca.gov>
To: 'Rex Frankel' <rexfrankel@yahoo.com>
Sent: Friday, January 20, 2012 12:09 PM
Subject: RE: Ballona Wetlands presentation materials at SCC meeting

Hello Rex

Attached is our slide presentation.

Yes, Dr. Luce was referring to the findings of the baseline assessment. I just went to the project website and clicked on the image of the report cover and was able to download the documents, but if there are specific chapters that you are unable to download, please let us know and we'll get them to you.

Mary

From: Rex Frankel [mailto:rexfrankel@yahoo.com]

Sent: Friday, January 20, 2012 10:13 AM
To: msmall@scg.ca.gov
Subject: Ballona Wetlands presentation materials at SCC meeting

Mary,

I am interested in getting a copy of your slide presentation from yesterday's SCC Board meeting. Can you email it to me?

I am also interested in seeing the source documents that were used to make Dr. Luce's point that very little of the site is now functioning habitat.

Are they in the recently released SMBRC's Ballona Wetlands Baseline Assessment Program reports? The SMBRC has a website, ballonarestoration.org, with the Baseline Assessment Program report, unfortunately, most of these documents do not open when clicked upon. They are posted here:
<http://santamonicabay.org/smbay/ProgramsProjects/HabitatRestorationProject/BaselineAssessmentReport/tabid/203/Default.aspx>

Please call me or email if you can help.

Thanks, Rex Frankel, 310-738-0861

From: Mary Small
To: "Joe Geever"
Cc: "Shelley Luce"; "Diana Hurlbert"
Subject: Coastal Conservancy Jan 19th Meeting
Date: Thursday, December 15, 2011 11:25:00 AM
Attachments: [Ballona Wetlands Engineering and Technical Studies.docx](#)

Hi Joe

Nice to talk to you this morning, and thanks for agreeing to come to the Coastal Conservancy meeting in Jan. It will be on Jan 19th at the Baldwin Hills Scenic Overlook starting around noon.

Ballona funding (draft staff report attached) will be the first major item on the agenda. We are planning to take the Board on a tour of Ballona that morning. The tour and meeting are open to the public and details will be posted on our website by the 6th of Jan.

As I mentioned, we (Shelley and I) would be happy to provide additional information to you &/or your chapters at any point. Since we are finally getting ready to initiate the public environmental review, now would be a good time to get you engaged.

Thanks,
Mary

~~~~~  
Mary Small  
Deputy Executive Officer, Coastal Conservancy  
1330 Broadway #1300 Oakland, CA 94612  
510-286-4181

## **ATTACHMENT 4**

**From:** Mary Small  
**To:** "Shelley Luce"  
**Cc:** "Joan Cardellino (Joan Cardellino)"; "Diana Hurlbert"  
**Subject:** RE: Letter for Coastal Conservancy Board  
**Date:** Tuesday, December 13, 2011 1:11:00 PM

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Thanks

Sorry, the plan is to have the tour from roughly 9-11:30 and then start the meeting at noon or 12:30 – something like that. We're afraid that if we do the tour after the meeting none of the board members will come.

I'll call Barbara today to get her ideas and see if they will help with the tour, come to the mtg or send a letter

Mary

---

**From:** Shelley Luce [mailto:sluce@santamonibay.org]  
**Sent:** Tuesday, December 13, 2011 1:08 PM  
**To:** Mary Small  
**Cc:** 'Joan Cardellino (Joan Cardellino)'; Diana Hurlbert  
**Subject:** RE: Letter for Coastal Conservancy Board

Mary, here are some thoughts from me and Diana:

- 1) Tour – we'll do the tour anytime that works for your members but it seems tight to finish it by 9:15 in order to get them all to Baldwin Hills Overlook for a 10 am meeting. I know we have the Toy meeting the day before so right after the board meeting makes most sense. Could you convince your members to stick around for it?
- 2) Press – this is troubling. It'll be hard for us to get good press on a \$7M expenditure... we can spin this if we get the right people. What if we did a brief presentation on the Monitoring Report before hand? We'll have beautiful hard copies, it's over 400 pages and very impressive and did not cost a lot for the amount of work and info. I think it makes SCC and SMBRC look great. Could we make this the press focus, i.e. with Molly Peterson at least? I'll give her a call for starters.
- 3) Support – I will talk with Geever, Jim Lamm, Miguel, Lisa Fimiana, Baykeeper, HTB, Nate from Rosendahl's office, Napolitano from Knabe's and Karly from MRT's. I can't say who will show up or do a letter but I will make the asks. I'll also ask Pestrella. Can you talk to MRCA Mary? Also what about the Corps – Rick Liefeld's support would be very meaningful, or Toy's if we can get it. Maybe a letter from Toy with Rick or someone else attending the meeting?

We'll draft a support letter asap and run it by you.

Shelley

*Shelley Luce, D.Env.  
Executive Director  
Santa Monica Bay Restoration Commission  
Pereira Annex MS:8160*

1 LMU Drive, Loyola Marymount University  
Los Angeles, CA 90045  
310-961-4444

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**From:** Mary Small [mailto:msmall@scc.ca.gov]  
**Sent:** Tuesday, December 13, 2011 10:38 AM  
**To:** Shelley Luce  
**Cc:** 'Joan Cardellino (Joan Cardellino)'  
**Subject:** RE: Letter for Coastal Conservancy Board

Hi Shelley-

Do you have time to talk about our Jan meeting? I know you have a board meeting this week, so we could also do this via email – or next week, but before next Fri I'd like to work through some ideas:

- 1) Tour – we'll probably do a tour the morning of the meeting, I think maybe the tour we did with Colonel Toy – view from Cabora Rd and then walk out to boyscout platform
- 2) Press – do you think we could use this meeting as an opportunity to get either local papers and/or try for LA Times to cover the project? I am worried that once the agenda is out Marcia will use as opportunity to get bad press. Our agenda will be mailed out Jan 6<sup>th</sup>
- 3) Public support – who could we have come to support the project at the meeting or with letters? Geraldine is critical (at least her letter) but how about MRCA?, Joe Geever?, Ballona Creek Renaissance?, Friends?, Miguel Luna?, Audubon? HtB? Baykeeper?

Thanks,  
Mary

---

**From:** Shelley Luce [mailto:sluce@santamonicabay.org]  
**Sent:** Monday, December 12, 2011 3:22 PM  
**To:** Mary Small  
**Subject:** FW: Letter for Coastal Conservancy Board

Hi Mary, Geraldine thought her letter went out already. Have you received? I also invited her to tour the wetlands with us after the meeting.

*Shelley Luce, D.Env.  
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---

**From:** Knatz, Geraldine [mailto:knatz@portla.org]  
**Sent:** Sunday, December 11, 2011 1:00 PM  
**To:** Shelley Luce; Zordilla, Eunice  
**Cc:** Tankersley, Eileen

**From:** [Shelley Luce](#)  
**To:** [Mary Small](#)  
**Subject:** RE: board presentation  
**Date:** Wednesday, January 11, 2012 6:55:23 PM

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Hi Mary,

I think the presentation looks good. I think we should include some comparative data to show the need for restoration – e.g. the seed bank data, the exotic veg data and some of the animal data (birds and herps). I saw what karina sent you and it doesn't help us – we need numbers like "99% invasive plants" and "lowest seed bank of any so cal wetland". We also need her graphs that show huge percent exotic veg. versus tiny percent native veg, etc. along with those photos of invasive plants that you already included.

I also think we should mention the TMDL –or not the TMDL itself, but we can list the impairments listed on the 303d list, note that TMDL implementation would be consistent with the restoration and that we can work with partners on my governing board and other agencies and leverage resources that would go into implementing the TMDL.

I can help with slides – why don't you send me one or two in your formatting and I will make some with the graphs mentioned and see if you like them. Or rather, since you have to finish by tomorrow and I am out of the office all day, we will ask karina to insert some graphs. Okay with you?

Shelley

*Shelley Luce, D.Env.  
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**From:** Mary Small [mailto:[mssmall@scc.ca.gov](mailto:mssmall@scc.ca.gov)]  
**Sent:** Wednesday, January 11, 2012 2:49 PM  
**To:** Shelley Luce  
**Subject:**

Hi Shelley

Attached is a draft powerpoint, I want to keep it as simple as we can. There are several extra slides at the end, I just want one picture I can leave up when I walk through the actual requested action, maybe just the bird with its head in the water?

There are two slides about the baseline monitoring program – I think we only need one of them, do you prefer lots of words or just a picture.

I am sending in .pdf because the actual powerpoint is too big. If you want me to ftp the powerpoint so you can edit directly, let me know. I have to finish this by tomorrow night.

Thanks!  
Mary



**From:** [Shelley Luce](#)  
**To:** [Karina Johnston](#)  
**Cc:** [msmall@scc.ca.gov](mailto:msmall@scc.ca.gov)  
**Subject:** graphs needed for SCC board presentation  
**Date:** Thursday, January 12, 2012 7:57:56 AM

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Hi Karina,

Thank you for the bullets you prepped for Mary, they are helpful. The photos are also perfect. What we still need for the presentation are graphics or numbers that will really make our case. Mary needs to complete the presentation today so can you and your team help us prep the following ASAP?

- one map of existing conditions that shows the site today: an aerial photo with transparent overlay of BASIC habitat types - how much is wetland, how much is upland/vacant lot style. goal is to illustrate how little of the site can be said to be functioning habitat.

- one simple graph showing predominance of invasive species - the one in the BWER draft TMDL is fine, can you please send that to Mary? we need to say "x percent of the site is covered with 99% invasive vegetation" or whatever the actual numbers are. rather than "dominate by invasives" which could mean only 55% covered.

- some species diversity numbers/charts that show how extremely depauperate poor Ballona is. not just "reduced relative to other wetlands" but "lowest seed bank abundance and diversity of any wetland in southern California" - but I need you to give me the right language so I am not mis-stating anything. please give me those #'s or charts or language for seed bank, veg, mammals, birds, fish and herps separately and we'll decide which ones to mention in our presentation.

- any other features of the site or results from your surveys that really illustrate to non-scientists how desperate is the need to restore ecological function and habitat at the site.

I am sorry to ask you for all this today, I hope you or one of your team has time. I think you have all this info readily accessible - if there is something I've requested that is a big pain check with me and we'll decide if it's really needed. please call my cell or email, I will be out of the office all day but checking my phone compulsively. also please suggest other stuff if you think of it - you know these data better than we do! thank you KJ talk to you later today.  
shelley

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**From:** Mary Small  
**To:** "Karina Johnston"; "Diana Hurlbert"; "Shelley Luce"  
**Subject:** please review these two paragraphs  
**Date:** Tuesday, December 13, 2011 9:09:00 AM

---

Hi

I'm wrapping up my staff report and I needed to add a little more detail about what SMBRF will do with the grant funds and who you are. Can you please review this and let me know if you have any edits? If you can get it to me today, that'd be great.

Mary

The recommended grant to the SMBRF would provide funds for data collection, technical review and agency coordination to support the proposed restoration project. The SMBRF has implemented a multidisciplinary baseline data collection program using volunteers, students and professional technical experts. The baseline report is the first comprehensive assessment of biological and physical resources at the BWER. It was just published and is available online: <http://www.ballonarestoration.org>. This grant would allow the SMBRF to conduct additional targeted studies based on the resources identified in the baseline assessment as needed to support the environmental impact analysis of the proposed project. In addition, the SMBRF will continue coordination of the agency review, identification of funding partners, and technical review of work products associated with this project.

The SMBRF is a non-profit organization that was created in 1991 to implement the priorities of the Santa Monica Bay Restoration Plan and to support the work of the Santa Monica Bay Restoration Commission. The SMBRF has a number of initiatives including research, public education, and planning, to support these goals. The SMBRF and the Seaver College of Science and Engineering at Loyola Marymount University (LMU) created the Center for Santa Monica Bay Studies to engage in multidisciplinary research on environmental and social issues affecting Santa Monica Bay and its watershed, and to contribute to policies and actions that improve the environmental condition of the Bay. The partnership with LMU has been very valuable to the data collection efforts, SMBRF has used student volunteers to conduct fieldwork and some faculty have coordinated their own research to support the baseline assessment, resulting in hundreds of hours of field work being donated to the project.

~~~~~  
Mary Small
Deputy Executive Officer, Coastal Conservancy
1330 Broadway #1300 Oakland, CA 94612
510-286-4181

ATTACHMENT 5

DEPARTMENT OF DEFENSE Department of the Army; Corps of Engineers
Notice of Intent To Prepare an Environmental Impact Statement/
Environmental Impact Report for the Ballona Creek Ecosystem Restoration
Feasibility Study, Los Angeles County, CA AGENCY: Department of the
Army, U.S. Army Corps of Engineers, DoD. ACTION: Notice of intent. --

SUMMARY: The Los Angeles District intends to prepare an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) to support a cost-shared ecosystem restoration feasibility study with the Santa Monica Bay Restoration Commission. The proposed project study areas has been degraded by encroachment of non-native plants, placement of fill from Marina Del Rey, interruption of the hydrologic regime, trash accumulation, and varied attempts at bank protection along the creek using rock and concrete. Direct benefits of the proposed project include improved habitat and water quality, reductions in waste and trash, and aesthetics. The watershed is an important resource for both recreational uses and for fish, and wildlife and further degradation could jeopardize remaining. The purpose of the feasibility study is to evaluate alternatives for channel modification, habitat restoration (coastal and freshwater wetlands and riparian), recreation, and related purposes along the lower reach of the Ballona Creek. DATES: A public scoping meeting will be held on September 29, 2005 at 6 p.m. ADDRESSES: U.S. Army Corps of Engineers, Los Angeles District, CESPL-PD, P.O. Box 532711, Los Angeles, CA 90053 and Santa Monica Bay Restoration Commission, 320 West 4th Street, Los Angeles, CA 90013. FOR FURTHER INFORMATION CONTACT: Shannon Dellaquila, Project Environmental Manager, at (213) 452-3850 or Malisa Martin, Project Study Manager at (213) 452-3828. SUPPLEMENTARY INFORMATION: 1. Authorization This study was prepared as an interim response to the following authorities provided by Congress under Section 216 of the Flood Control Act of 1970, which states: The Secretary of the Army, acting through the Chief of Engineers, is authorized to review the operation of projects the construction of which has been completed and which were constructed by the Corps of Engineers in the interest of navigation, flood control, water supply, and related purposes, when found advisable due the significantly changed physical or economic conditions, and to report thereon to Congress with recommendations on the advisability of modifying the structures or their operation, and for improving the quality of the environment in the overall public interest; supplemented by House Resolution on Public Works and Transportation dated September 28, 1994 which states: The Secretary of the Army is requested to review the report of the Chief of Engineers on Playa del Rey Inlet and Basin, Venice, California, published as House Document 389, Eighty-third Congress, Second Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at present time, in the interest of navigation, hurricane and storm damage reduction, environmental restoration, and other purposes at Marina del Rey Harbor, Los Angeles, California, with consideration given to disposal of contaminated sediments from the entrance channel required under the existing operation and maintenance program at Marina del Rey. 2. Background The Ballona Creek Ecosystem

Restoration study area lies within Los Angeles County, CA and includes portions of Marina del Rey, Culver City, Playa del Rey, and the City of Los Angeles. The study area, a component of the greater Ballona Creek Watershed, includes the lower reach of Ballona Creek extending southwest from Cochran Avenue, in Los Angeles, to Pacific Ocean in Marina del Rey. specific features of the Ballona Creek watershed, including existing and historic wetland areas, the Ballona Lagoon, Del Rey Lagoon, Venice Canal, Grand Canal, the Oxford Drain and the Ballona Channel and tributaries, will be addressed in this study. The greater Ballona Creek system drains a watershed of approximately 329 square kilometers (81,300 acres), and is the largest tributary that drains into the Santa Monica Bay. Ballona Creek collects runoff from several partially urbanized canyons on the south slopes of the Santa Monica Mountains as well as from intensely urbanized areas of West Los Angeles, Culver City, Beverly Hills, Hollywood, and parts of Central Los Angeles. The urbanized areas account for 80 percent of the watershed area, and the partially developed foothills and mountains make up the remaining 20 percent. The watershed boundary includes the Santa Monica Mountains on the north, the unincorporated area known as Baldwin Hills, and the City of Inglewood on the south. The Ballona Creek Ecosystem Restoration study footprint's southern boundary is defined by the Westcheste Bluffs, which run southwest from the San Diego (405) Freeway beyond Loyola Marymount University. The western boundary extends from the Pacific Ocean. The eastern boundary begins where Ballona Creek daylights at Cochran Avenue and Venice Boulevard in a section of Los Angeles known as the Mid City. Tributaries of Ballona Creek include Centinela Creek, Sepulveda Canyon Channel, Benedict Canyon Channel, and numerous storm drains. The Ballona Creek watershed ecosystem has been altered by intense land development, encroachment of non-native plants, trash accumulation, and varied attempts at bank protection along the creek using rock and concrete. Although an important function of the Ballona Creek is as a flood control channel, the lower watershed is still an important resource for both recreational uses and for fish and wildlife habitat. Further impairment could jeopardize remaining habitat. This study will evaluate opportunities for habitat restoration (including wetland and riparian habitat), improvements to water quality, trash mitigation, and recreation and related purposes along the lower reach of the Ballona creek.

3. Problems and Needs At least ninety (90) percent of historic coastal wetlands in California have been lost due to filling, dredging, flood control and intensive development. Within the Lower Ballona Creek Watershed, remaining fragmented wetland areas have been degraded due to diminished hydraulic function, poor water quality and introduction of exotic plants and animals. While functioning wetland systems and riparian habitat remain, they are stressed. Channelization of the Ballona Creek and filling of historic wetland and riparian areas have contributed to degradation and loss of habitat due to impeded tidal exchange and circulation. Contaminated stormwater runoff and trash loading has degraded Ballona Creek water quality. Habitat alteration and loss has decreased biodiversity and overall ecological health, threatening the survival of native endangered species such as the California least tern (*Sterna antillarum* brown), snowy plover (*Charadrius alexandrinus*), and the Belding's Savannah Sparrow (*Sandwichensis beldingi*). The current design of the Flood Control channel has resulted in a lack of recreational opportunities and is considered aesthetically challenged. At present there is no integrated approach and partnership amongst stakeholders to resolve lower Ballona Creek in-stream and wetland

degradation issues, which has led to uncoordinated and sometimes redundant and unsuccessful improvement measures. 4. Proposed Action and Alternative The Los Angeles District will investigate and evaluate all reasonable alternatives to address the problems and need stated above. In addition to a without project (No Action) Alternative, both structural and non-structural environmental measures will be investigated. An assessment of the feasibility of removing impervious surfaces from the Ballona Channel will also be evaluated. Proposed restoration measures include: re-grading and removal of fill, remove invasive and non-native plant species, reintroduction of a water source and installation of native plants to restore previously filled coastal wetlands. Other measures to be evaluated include features to improve or restore tidal regime in Oxford Basin, the Grand and Venice canals, and Ballona and Del Rey Lagoons; the potential for in stream wetland development in Centinela, Sepulveda and Ballona Creek; sediment loading in the upper watershed; and related recreation and educational opportunities. 5. Scoping Process The scoping process is on-going, and has involved preliminary coordination with Federal, State, and local agencies and the general public. A public scoping meeting is scheduled for Thursday September 29th from 6-8 p.m. at the Rotunda Room of the Veteran's Memorial Building, 4117 Overland Avenue, Culver City, CA. This information is being published in the local news media, and a notice is being mailed to all parties on the study mailing list to ensure that public will have an opportunity to express opinions and raise any issues relating to the scope of the Feasibility Study and the Environmental Impact Study/Environmental Impact Report. The public as well as Federal, state, and local agencies are encouraged to participate by submitting data, information, and comments identifying relevant environmental and socioeconomic issues to be addressed in the study. Useful information includes other environmental studies, published and unpublished data, alternatives that could be addressed in the analysis, and, potential mitigation measures associated with the proposed action. All comments will be considered in the project development. Concerns may be submitted in writing to the Santa Monica Bay Restoration Commission, or to the Los Angeles District (see ADDRESSES). Comments, suggestions, and request to be placed on the mailing list for announcements should be sp101.usace.army.mil. Availability of the Draft EIS/EIR The Draft EIS/EIR is scheduled to be published and circulated in December 2007, and a public hearing to receive comments on the Draft EIS/EIR will be held after it is published. Dated: September 13, 2005. Alex C. Dornstauder, Colonel, U.S. Army, District Engineer. [FR Doc. 05-18651 Filed 9-19-05; 8:45 am] BILLING CODE 3710-KF-M

From: Shelley Luce
To: Mary Small; "Rick Mayfield"
Cc: "Terri Stewart"
Subject: RE: From John Davis Re Ballona CEQA process
Date: Tuesday, February 07, 2012 1:39:26 PM

Agreed. The doc he references was for a completely different project, a feasibility study in which SMBRC was the local sponsor for the Corps' study. The EIR/EIS that we want to start is for a separate project, i.e. the BWER restoration/enhancement project. As the landowner, DFG will be the lead agency.

*Shelley Luce, D.Env.
Executive Director
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1 LMU Drive, Loyola Marymount University
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310-961-4444*

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From: Mary Small [mailto:mssmall@scc.ca.gov]
Sent: Tuesday, February 07, 2012 1:30 PM
To: 'Rick Mayfield'; Shelley Luce
Cc: 'Terri Stewart'
Subject: RE: From John Davis Re Ballona CEQA process

Suggested response.

- 1) The EIS/EIR process begun in 2005 was for the Army Corps' Lower Ballona Ecosystem Restoration Feasibility Study, that project and the associated environmental review has not been completed and is not moving forward at this time. The EIR/S process for the proposed enhancement project will be separate.
- 2) The CEQA statute where lead agency is defined is Public Resources Code Section 21000.
- 3) DFG as landowner intends to be the lead agency on the proposed enhancement project that will be analyzed in the EIR/EIS.

From: Rick Mayfield [mailto:rmayfield@dfg.ca.gov]
Sent: Tuesday, February 07, 2012 9:30 AM
To: Mary Small; Shelley Luce
Cc: Terri Stewart
Subject: Fwd: From John Davis Re Ballona CEQA process

Please take a look at the attached from Mr. Davis and let me know if you can provide any further information before I respond.

Thanks,

Rick

>>> <jd@johnanthonydavis.com> 2/6/2012 5:11 PM >>>

Ca DFG
Att: Mr. Mayfield

Hi Mr. Mayfield, attached is the congressional and corp docs we discussed.

The document states an joint EIS/EIR process was begun in 2005 per the request of Congress.

The Santa Monica Bay Restoration Commission is noted as the lead agency for CEQA in the joint EIR/EIS.

It also states that at least one scoping hearing has already occurred.

My question is does DFG plan on beginning another EIR process for the same area that is already been started by the SMRBC and Corp. If so, how can there be two lead agencies.

To me, logic indicates the SMRBC should be lead.

Thanks,

John Davis
PO 10152
Marina del Rey Ca. 90045

From: Mary Small
To: "Diana Hurlbert"; "David Lawhead (DLawhead@dfg.ca.gov)"; "Eichler, Monica SPL"; "Eric Gillies"; "griggsp@slc.ca.gov"; "Hamamoto, Bruce"; "Patrick Holland (pholland@dpw.lacounty.gov)"; "Rick Mayfield (rmayfield@dfg.ca.gov)"; "Sera, Phillip J SPL"; "Shelley Luce"; "Strum, Stuart R MVN-Contractor"; "Swenson, Daniel P SPL"; "Terri Grant (tgrant@dpw.lacounty.gov)"; "Youn Sim (ysim@dpw.lacounty.gov)"
Subject: FW: request for services - ballona wetlands
Date: Wednesday, February 08, 2012 4:46:00 PM
Attachments: [Ballona Civil Engineering and Geotech.pdf](#)
[Ballona Hydrology and Engineering.pdf](#)

The request for services for the civil engineering and geotechnical contract and the hydrology and engineering contracts went out today. Feel free to forward to other potential contractors, I sent it to about 60 in our database and we will post it on the web. Proposals are due on Feb 29th.

Mary

From: Mary Small [mailto:mssmall@scc.ca.gov]
Sent: Wednesday, February 08, 2012 4:39 PM
Subject: FW: request for services - ballona wetlands

The California State Coastal Conservancy is requesting proposals for consultant services for two separate contracts related to the proposed enhancement of the Ballona Wetlands Ecological Reserve in Los Angeles County. Services are needed to complete engineering and geotechnical evaluations, hydrology, technical studies, design and related services to support completion of a project level EIR/EIS and preparation and processing of a Section 408 permit through the Army Corp of Engineers. One contract will be for Civil and Geotechnical Engineering and a second contract will be for Hydrology and Engineering Design Analysis.

~~~~~  
Mary Small  
Deputy Executive Officer, Coastal Conservancy  
1330 Broadway #1300 Oakland, CA 94612  
510-286-4181

Ballona Ecosystem Restoration Planning Management Meeting  
June 28, 2010  
3:00-5:00pm

Attendees:

|                       |                                            |                           |
|-----------------------|--------------------------------------------|---------------------------|
| Josephine Axt, USACE  | Ed Demesa, USACE                           | Julian Serafin, USACE     |
| Rene Vermeeren, USACE | Ben Nakayama, USACE                        | Rhiannon Kucharski, USACE |
| Diana Hurlbert, SMBRC | Sean Bergquist, SMBRC                      | Kathy Anderson, USACE     |
| Larry Smith, USACE    | Mary Small, Coastal Conservancy (by phone) |                           |

- I. Mary Small: Coastal Conservancy is supplying most of the funding toward the in-kind local sponsor efforts.
- II. Ed Demesa: Corps Process Overview
  - a. We are coming up to our first major milestone (F3)
    - i. Baseline and future without project conditions; preliminary alternatives analysis
      1. Describes problems and opportunities, planning objectives
      2. This product will be the basis for future steps
    - ii. Next milestone (F4A/F4)
      1. Formulation, evaluation and comparison of alternatives
      2. F4A: SPD requirement, Alternative Formulation Briefing
    - iii. (F5) Public Draft Feasibility Report
      1. Headquarters Policy and Public Review
  - b. Josephine Axt: New Review Guidance (Estimated at \$500,000; IEPR is federally funded)
    - i. Agency Technical Review (ATR) - Requires coordination with the planning center of expertise, and coordinates a team of reviewers from another Corps Division
    - ii. Model certifications required
    - iii. Independent External Peer Review (IEPR)
    - iv. Note for budget: call out what IEPR is estimated to cost, and that it does not have to be cost shared
    - v. Diana Hurlbert: Under each discipline, there are costs for responding to comments. Are those related to ATR?
      1. Josephine Axt: Yes. There is a formal comment and response system that must be used for ATRs (DrChecks)
  - c. Kathy Anderson: Partnership
    - i. Communication
      1. Sean Bergquist: Communication has been much better since Rhiannon has taken over as Lead Planner.
      2. Mary Small: Rhiannon has been great in communication.
    - ii. Cost share
      1. Sean Bergquist: Our cost share component is 100% in-kind. It is anticipated that most of that work is and will continue to be in the wetlands.
        - a. We are finished our F3 equivalent (2006)
        - b. We are also finished our alternatives development and analysis (2008)
          - i. We want to make sure that all of the products feed in to the Corps process and products.
        - c. The Corps and us on not on the same timeline.

2. Mary Small: It was always our understanding that the Corps would use our restoration alternatives. It makes us nervous that this was never in writing. We have done our F4 equivalent.
3. Because of Federal funding starts and stops, the Corps is still in the F3 process, while the sponsor has completed alternatives analysis (F4 equivalent).
4. Diana Hurlbert: We want to make sure you are maximizing our products, and we want to understand what if any deficiencies are found.
5. Josephine Axt: In-kind has to be formally submitted, directly applicable to the project and it must be understood that in-kind increases increase the overall budget increases.
  - a. Mary Small: We fear that our in-kind is not properly reflected in the PMP.
  - b. Rhiannon Kucharski: This may be the case. We need to go in detail in to this upon receipt of in-kind submissions, quality check them and revisit the PMP.
6. Sean Bergquist: For credit, do we get credit for what we paid or for what it would have cost the Corps to do the same work?
  - a. Josephine Axt: The in-kind credit needs to match the estimate for that work in the PMP. Likewise, if the work costs more than estimated, credit will only be given for up to the estimated amount.
- iii. Ed Demesa: As the project goes up the chain, we have to be careful for policy issues. When the project is competing nationally, it starts to become a factor. The cost of land acquisition is part of the project costs. We can only credit up to 35% of total project costs.
- iv. Mary Small: If the Corps falls too behind, we will work with Corps Regulatory for a permit for their activities (NEPA/CEQA, design, permitting, and Phase I construction).
  1. Josephine Axt: If you are going full steam ahead, what is your timeline?
  2. Sean Bergquist: We purchased the property in 2005, and have to do something with the property in the near future. There is no set deadline, but they must show the state that something is being done.
    - a. In about 4 years, they would like to be constructing something.
    - b. Early phase: Do South portion of Area B, South of Jefferson and below Gas Company (low areas, reconnect tidal flows)
  3. Ed Demesa: The law to partially build a project and receive credit for a larger project applies only to flood control when there is imminent need. Unfortunately, that law does not apply to ecosystem restoration. There is not an authority for us to give credit for it down the line. So, this may be something you want to consider for a WRDA request to change the authorization.

### III. Project Status

- a. Corps is working on baseline (F3) right now. Due to H&H delays, the milestone will most likely happen early in FY11.
- b. PMP amendment
  - i. Study area
    1. Will be clearly defined in the PMP amendment (to the satisfaction of all parties).

- a. Definition: Ballona Creek from the Pacific Ocean to Cochran, Del Rey Lagoon; and Centinela and Sepulveda Channels from Ballona Creek to where they go underground.
  2. Grand canal is out.
  3. Sean Bergquist: We have always planned on the daylighted part of Ballona Creek up to Cochran.
  4. Coordination needs to go through Diana Hurlbert and Rhiannon Kucharski.
- ii. Costs
  1. Ed Demesa: For in-kind credit, it is important to let the PDT know what work the sponsor is doing, even if it will not be submitted for in-kind credit.
  2. Sean Bergquist: Historical analysis of the watershed is in the works. We are also working with UCLA to do a watershed budget.
  3. Sean Bergquist: When things have to be redone, how does the cost share work?
    - a. Hydraulic study
      - i. Rene Vermeeren: Our H&H models are in DRAFT form and have not yet had the first ATR. They are not ready for use on alternatives.
  4. SMBRC Governing Board will have to sign the PMP and FCSEA amendments.
  5. In construction phase, can the cost of the land/property be used toward sponsor in-kind credit?
    - a. Kathy Anderson: Yes, as long as the constructed project uses those lands. The state paid \$140 million in 2005 for the property that makes up areas A, B and C.
- iii. In-kind submittals
  1. Mary Small: Is there really much more additional work that needs to be done to review the submittals? How much is left to be done by the Army Corps depends on the in-kind submittals?
    - a. Diana and Rhiannon can work together with each PDT member to work through these. Set up meetings ASAP.
    - b. Kathy Anderson: The whole PDT needs to sit down and go through the PMP, in-kind and costs step-by with SMBRC.
  2. Mary Small: I am worried about the water quality report in terms of the data being what is needed per the Corps and less worried about the write-up
    - a. Confirm with James Chieh that the data is what is needed.
- c. Kathy Anderson: Sponsor financial capability?
  - i. Even in light of cost increases, the sponsor has enough money to fund all of their study activities and even begin phase I construction (Area B).
  - ii. Corps needs to get details of sponsor plans for "phase I" in Area B and determine if this must be added as a future without project condition or not.

IV. Action items are noted in RED.

Lower Ballona Creek Ecosystem Restoration Study Monthly Coordination Meeting Minutes  
April 28, 2010  
10-11am

Attendees:

Mary Small, CC

Sean Bergquist, SMBRC

Rhiannon Kucharski, USACE

Kathy Anderson, USACE

James Chieh, USACE

- I. Comments to the DRAFT Corps F3 products and the DRAFT PMP update are due by the next coordination meeting, May 26, 2010.
  - a. Comment from Sean related to updated costs/project area: SMBRC considers lower Ballona Creek to be everything from Cochran Avenue to the Ocean.
  - b. Sean is concerned about how SMBRC can come up with matching funds and/or in-kind work for a study totaling \$6.2 million (the updated estimated study cost total)
    - i. Mary: We may not be able to get approval for the cost increases
- II. Frank Wu was not able to attend today's meeting. He will contact Mary and Sean independently to discuss his question on the Engineering and Design Section I, Task 3 from the PMP.
- III. In-kind submittals
  - a. Mary and Sean will try to submit the first set within one week.
- IV. Water Quality Analysis
  - a. Document forthcoming from SCCWRP (early June)
  - b. Document forthcoming from Geosyntech (June)
    - i. Delay due to 2 very dry seasons
  - c. Some data is already available on the website (Ballonarestoration.org)
    - i. Some prior reports from previous years are available
  - d. The Corps (James Chieh) will need to translate and analyze the data and put it into the Appendix Report.
    - i. Sean will send everything that is currently available to James Chieh, Cc Rhiannon ASAP. This will include the Geosyntech scope of work and cost estimate for water quality data analysis.
- V. Other Discussion
  - a. There will be a site tour with the Corps, URS and Sean on May 5, 2010.
  - b. Kathy: We were able to request \$345k for FY11, but need to get amended FCSA executed.
    - i. Mary: We need to credit in-kind work before amending the FCSA. We hope this will bring down the overall study cost.
- VI. Action items noted in ORANGE.

Ballona Coordination Meeting Minutes  
June 2, 2010  
10am

Attendees:

|                                 |                           |                          |
|---------------------------------|---------------------------|--------------------------|
| Mary Small, Coastal Conservancy | Diana Hurlbert, SMBRC     | Heather Schlosser, USACE |
| Julian Serafin, USACE           | Rhiannon Kucharski, USACE |                          |
| Ben Nakayama, USACE             | Robert Browning, USACE    | Robert Grimes, USACE     |

- I. In kind submittals
  - a. For In-kind submittals, Mary, Sean and Diana tried to break down the submittals per the PMP, but had a hard time. Please see in-kind spreadsheet submitted last week.
  - b. SMBRC and Coastal Conservancy will submit the In Kind Submittal sheets that correspond with each document from the website, along with reference to the document or file they correspond to and a link to that document on the web.
- II. PMP updates
  - a. Mary Small is concerned that the revised PMP does not reflect the products they have completed, and very concerned about the cost increases.
  - b. Mary Small: Have all the PMP sections looked at the same project area? Parts still refer to Ballona Lagoon, Grand Canal, Venice Canals and Oxford Basin, which are no longer in the study area.
    - i. All sections should include: Del Rey Lagoon; Areas A, B and C; Ballona Creek from the Ocean to Cochran; and Centinela and Sepulveda Channels from where they daylight to Ballona Creek.
  - c. Mary and Diana requested that the Corps add geographic location to the PMP amendment chapter. The scopes of work are confusing because they do not make the study area clear.
  - d. Mary: Why have the F3 economics costs gone up?
    - i. Ben Nakayama: Economics had to re-run their model due to the revised flood plain hence their cost increase. The potential flooded parcels went from 6000 to 600.
    - ii. Sponsor wants to understand why the economics costs for F3 doubled. The model was originally run at a larger scope (6000 parcels) and is now being re-run at a smaller scope (600 parcels). That should not cost double. There should be economies of scale.
    - iii. Ben Nakayama: The model had to be completely re-run for the new parcels. This along with added review costs are the reasons behind the cost increase.
  - e. Review Guidance has led to approximately \$505k in cost increases. \$260k of that is for Independent External Peer Review (IEPR), which is NOT cost shared. The other levels of review such as Agency Technical Review (ATR) and model certification ARE cost shared.
    - i. Rhiannon will send another copy of the review guidance.
  - f. The Coastal Conservancy is worried that there will be no political appetite to support a feasibility study at this cost level.

- g. The language in the PMP needs to itemize what the additional costs would go towards.
  - i. Rhiannon will send the detailed cost estimates from each PDT member.
- h. The Coastal Conservancy believes their GIS work should decrease the revised GIS costs.
  - i. This can be investigated further in conjunction with the in-kind review process. USACE will ask Dave Bianco to review the GIS products and scope and cost estimate after the formal in-kind submittal.

### III. Coordination

- a. Heather Schlosser: It is hard to assure proper coordination when the Corps is trying to complete the baseline F3 this year, while the sponsor is well in to alternatives analysis in the wetlands areas (A, B, C).
  - i. Mary and Diana, what do you see as the Corps' role in this feasibility study?
    - 1. Mary Small: The discussion was that the Corps would focus on the Creek (there aren't state funds for that) and that the wetlands study would go forward separate from the larger feasibility study, but feed in to the project as in-kind credit. The restoration of the wetlands (A, B, C) is being led by SMBRC in conjunction with the State of California.
    - 2. SMBRC and Coastal Conservancy are both interested in the Creek as well.
      - a. Heather Schlosser: Are you willing to cost share the implementation phase of a recommended alternative that includes the Creek and Wetlands?
      - b. Mary Small: Our funding strategy for implementing the restoration is the value of the land. However, the Coastal Conservancy's focus is the restoration planning at the wetlands.

### IV. Executive Management Meeting

- a. Aim to have this in June. SMBRC and Coastal Conservancy will send potential dates and times to Rhiannon Kucharski, who will coordinate with USACE management schedules.



Ballona Telecon Minutes  
March 29, 2010

Attendees:

|                                 |                        |                        |
|---------------------------------|------------------------|------------------------|
| Rhiannon Kucharski, USACE       | Kathy Anderson, USACE  | Larry Smith, USACE     |
| John Killeen, USACE             | James Chieh, USACE     | Frank Wu, USACE        |
| Julian Serafin, USACE           | Michael Hallisy, USACE | Patrick Singh, USACE   |
| Mary Small, Coastal Conservancy |                        | Sean Berququist, SMBRC |

- I. Introductions
- II. PMP update
  - a. DRAFT SOW Amendment Chapter distributed
  - b. Cost estimates
    - i. Frank Wu: Coastal Engineering F3 Baseline Conditions
      - 1. Need to incorporate PWA information in to the appendix
  - c. SMBRC Board will have to buy off on the updated PMP and cost estimates
    - i. At this Thursday's meeting they are asking the Board to generally support the study
    - ii. Cost increase approval will have to come through the Coastal Conservancy's Board
  - d. FCSEA amendment would come after the PMP update is complete
    - i. Have to work with Corps Legal Counsel and SMBRC Legal/Board
  - e. Study Area
    - i. For F4, the Corps suggests focused study area of A,B & C plus the Creek up to the I-405, and the Centinela Channel and Sepulveda Wash
      - 1. H&H and Survey and Mapping Sections believe this focused area is best due to cost considerations
      - 2. Per Frank Wu: Coastal Engineering work has focused on A, B, & C
    - ii. Sponsors feel that we need to keep Ballona Creek up to Cochran Boulevard. Otherwise, the map is okay.
  - f. Rhiannon and Kathy will set up a meeting between the sponsors and Survey and Mapping (Alan Nichols).<sup>1</sup>
  - g. URS and the Corps are in negotiations for the Plan Formulation and Environmental Appendix
- III. Corps work Audit
  - a. Environmental Resources Branch (ERB )
    - i. Review of sponsor work
    - ii. Fish survey of creek and channels
    - iii. Work with SAC on HEP evaluation
      - 1. Including scope of work to score A, B & C and the creek between the marsh areas
      - 2. Mary can re-start the Conservancy agreement with the SAC to possibly fund them.
        - a. Larry will send Mary the scope of work he has written.
  - b. Cultural Resources
    - 1. Write-up from PWA, which summarizes a library record search
      - a. Corps and Conservancy both feel that the write-up is inadequate

---

<sup>1</sup> Action Items marked in GREEN.

- IV.

- I. Sponsor needs to keep records of the in-kind and the values in case of an audit.
  - ii. Mary Small: What is the best way to do that?
  - iii. Kathy Anderson: We can have a separate meeting to go through the in-kind line by line with Kathy, Rhiannon, Sean and Mary.
  - iv. Mary Small: Is it what we spend on the product that gets credited or is it what the federal government would have spent to do the same thing?
    1. It is up to the PDT to QA/QC the products and agree to the accounting both in amount and content.
    2. Coastal Conservancy would feel more comfortable if the in-kind is credited at the value they spent on the product.
- V. Coordination
  - a. Corps requests going forward
    - i. Each PDT member needs to coordinate with their equivalent on the sponsor's contractor team(s)
      1. Rhiannon will send a PDT list to Sean and Mary so that coordination contacts can be filled in next to the corresponding PDT member(s).
  - b. Sponsor requests
    - i. Tie up the in-kind process and update more often
  - c. Our coordination meetings from now on will be the last Wednesday of every month at 10am.
- VI. Other Discussion
  - a. Bike tour with Congresswoman Harman April 9<sup>th</sup>.
    - i. Kathy will forward info to Mary and Sean.

**DRAFT  
ITINERARY FOR  
COL R. MARK TOY  
MEETING WITH SANTA MONICA BAY  
RESTORATION COMMISSION AND  
VISIT TO BALLONA CREEK**

**26 MAY 2011**

**TIME/ACTIVITY**

**TRANSP/REMARKS**

**THURSDAY – 26 MAY 2011**

**UNIFORM: ACUs**

0830      Depart SPL for Loyola-Marymount  
University (LMU) – 1 LMU

Govt vehicle  
Driver: Phil Serpa  
Rick Leifield  
Josephine Axt

310-338-2700

PAX:

Monica Eichler  
Stuart Strum  
Dan Swenson

0920      Arrive LMU – Santa Monica Bay  
Restoration Commission Staff Office  
(SMBRC)

Location:  
University Hall  
Room ECC1857  
Note: Met by Stuart  
Strum and Dan  
Swenson

0930      Executive Management Meeting with  
SMBRC and California State  
Coastal Conservancy (CC)  
Los Angeles County Public Works  
Dr. Shelley Luce, Executive Director,  
SMBRB  
Mary Small, Deputy Executive Officer,  
Coastal Conservancy  
Mark Prestrella, Deputy Director

**TIME/ACTIVITY**

**TRANSP/REMARKS**

**THURSDAY – 26 MAY (Continued)**

Agenda:

- Introductions
- Project Overview – SMBRC/CC
  - o Project goals and regional importance
  - o Planning Process (Science Advisory Committee and Public Meetings)
  - o Proposed Project
  - o Schedule
- Partnership with Corps: Discussion (All)
  - o 408 Permit – Outstanding Questions
  - o Status of Feasibility Study
  - o Discussion of Future Coordination

|      |                                                                                                                                                                                                                                        |                                    |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| 1100 | Depart for Ballona Creek<br>PAX: See above                                                                                                                                                                                             | Govt Vehicle<br>Driver: Phil Serpa |
| 1110 | Ballona Creek Site Visit <ul style="list-style-type: none"><li>- Overview of the Site</li><li>- Ballona Channel</li><li>- Muted Tidal Wetland</li></ul><br>SMBRC/CC and LAPW Participants:<br>Dr. Luce, Mary Small and Mark Prestrella |                                    |
| 1210 | Depart for Ballona Creek for SPL<br>PAX: See above                                                                                                                                                                                     | Govt Vehicle<br>Driver: Phil Serpa |
|      | Note: Lunch enroute                                                                                                                                                                                                                    |                                    |
| 1330 | Arrive SPL                                                                                                                                                                                                                             |                                    |

**From:** Mary Small  
**To:** Diana Hurlbert; sluce@santamonibay.org  
**Subject:** talking points ballona - scc board  
**Date:** Thursday, January 05, 2012 2:08:00 PM  
**Attachments:** talking points ballona board item.docx

---

Hi

Shelley, I am hoping that you will share the presentation of this item to the Conservancy board with me. Attached is an outline of what I am thinking we should cover, please take a look and give me your thoughts. My suggestion is that I'd introduce the project and you, you'd cover the need for restoration and the proposed project and then I could go through the details of the proposed action. I am thinking we will have a short (10ish slide) powerpoint with few words but good pictures. I can pull a draft of it together.

Diana, I am hoping you can fill in the highlighted sections in the attached to help me think about how to explain the work that will be done if approved, why it's so expensive and why we are going with this approach, as opposed to phasing differently etc.

Thanks,  
Mary

## Outline for the presentation

(Mary)

### Background

- 600 acres owned by the state, DFG and State Lands
- Designated State Ecological Reserve
- Purchased for the purpose of wetland restoration

### Project Partners, introduce Shelley

(Shelley)

### Need For Restoration, Site Mgt

- Currently no open public access, very restricted
- Site management issues: homeless encampments, trespass, trash, eyesore

### Need for restoration, biology

- Very degraded ecological resources – key findings of baseline assessment
- Regional significance – wetland loss around SM Bay and throughout So CA

### Proposed project

- Description of grand vision
- Ecological benefits
- Sustainability – adaption to SLR, restoration of ecological processes
- Public access components

### Planning process to date 2 slides(?)

- Public and Science Based Process
- Evaluation of broadest possible range of alternatives
- Refinement and assessment of preferred alternative –ideas we rejected, scaling down due to cost considerations, planning for phased implementation

(Mary)

### Recommended action:

- 1) Authorization for a grant of \$250 K to SMBRC to fund their ongoing work to advance this restoration project, including continuation of data collection, agency coordination and technical review and oversight.
- 2) Authorization of \$6.25 million to be contracted by SCC through competitive environmental services contracts for specific technical studies that are needed to complete the environmental review and permitting.

### Description of the technical work (what will be done and why so expensive)

This authorization would provide funds for several specific scopes of work to support environmental impact review and permitting of the restoration project.

- Soils and Geotechnical assessment – Some soil sampling has been completed onsite, however the main cost for implementation of the project will be soil management.. To

reduce construction costs, the project is designed to balance cut and fill onsite. To effectively implement that program, we have to have clear understanding of soil characteristics – which soils can be used to construct levees, which soils should be used to create upland habitat, etc.

- Landscape Architect to design public access improvements. Conceptual designs for public access improvements have been included in the project from the very start. Now that we have a project description for the land-form of the restoration, it will be important to design the public access improvements. One of the major benefits of this project will be to create a new natural area in the urban center of Los Angeles. We intend to design public access amenities
- Civil engineering – design of levees and construction details up to \_\_\_% details of proposed work...
- Hydraulics and Hydrology – evaluation of flood risk and uncertainty details of proposed work...

In addition to environmental impact review, this project will need the following permits: Coastal Commission CDP, LA RWQCB permit, and an Army Corps Section 408 permit. Much of the additional technical work that is recommended in this action will be needed to comply with the 408 permit process.

The 408 permit is a permit issued by the Corps to modify an existing flood control project. After Hurricane Katrina, these permit requirements became much stricter and more comprehensive. This permit will have to be approved in DC and will require that the project have \_\_\_% design completed. *Explain why so expensive...*

Over the past several months, the project management team has been in conversation with the ACOE and internally discussing the best path forward given the significant costs to complete the design and hydraulic/hydrology studies.

We considered several options of initial projects that would involve installation of tide gates or breaches rather than full levee removal. Tide gate projects were determined to be less desirable because they do not restore full tidal range, are unable to adapt to sea level rise and have higher maintenance costs. We also considered a moving forward only with a smaller Phase 1 project that would restore wetlands north of the channel.

This would reduce the design and technical review costs now, but if we were ever to implement the full restoration project, we would have to go through some of the permit processes again. Our estimate is that the total planning costs would increase by X-XX amt in the end.

Of course the actual amount will be determined through contractor selection process and evaluation of proposals, but we have based this recommendation on a comprehensive, conservative but complete estimate to finish all of the pre-project work.

Acknowledge Some Opposition

- Is restoration needed, impacts to existing resources?



Some individuals think that this site is providing important habitat as is. This is a case of shifting baselines, the site does provide some habitat, but is severely degraded. Example - data pt from Karina's work?: To restore estuarine wetlands at Ballona, the land needs to be reconnected to the ocean.

- Can project be done with volunteers and without bulldozers?

The project that we are recommending is enormous in scale. It involves uncovering the wetlands that were buried with the construction of the marina and that have been cut off from the ocean for almost 90 years. We will work to continue working with youth groups and volunteers to implement portions of this restoration.

- Money would be better spend buying small parcels in the neighborhood

Some neighbors to the project have advocated that the restoration of the wetlands is a poor investment and the bond money should be spent to acquire small parcels (each 3-5 acres) rather than to restore the ecological reserve.

Funds are limited to Ballona, consequences if not approved, who will pay for construction?

#### Conclusion:

Even though this is a major investment and a controversial project, your staff recommends that you approve it. The ecological restoration of the Ballona wetlands is a rare opportunity to bring back coastal wetlands and to develop an urban natural area that will enhance the lives of millions of Californians. To really restore this site we have to implement a big vision and in order to do that we

Questions I will need to be prepared to answer:

Consequences if not approved

Who will pay for construction?

Why not grant all funds to SMBRC?

## NOTES

Cost of other wetland restoration projects – engineering and environmental review

|                                                                              |         |
|------------------------------------------------------------------------------|---------|
| South Bay Salt Ponds Initial Planning, EIR and Phase I Design (15,000 acres) | \$23 M  |
| Batiquitos Lagoon                                                            | \$5 M   |
| San Elijo Lagoon                                                             | \$1.9 M |
| S San Diego Bay Salt Ponds                                                   | \$550K  |

Questions we need to answer:

Why is this so expensive?

How does it compare to the costs other wetland restoration projects?

Is it needed? Is it a waste of money?

Is this the right alternative?

Will there be more habitat destruction than restoration

Who will implement the project?

Wouldn't we be better off with ngos and volunteers?

What about long term management?

### Key Points

Plan developed with extensive scientific review and public input

Plan goals: habitat restoration, sustainability, public access, lower maintenance cost

Funds are specific to Ballona

**From:** Shelley Luce  
**To:** Mary Small  
**Cc:** Diana Hurlbert  
**Subject:** RE: timelines...  
**Date:** Monday, January 30, 2012 4:44:09 PM

---

Let's meet downtown at 11 am at Bottega Louie, it's on the corner of 7<sup>th</sup> and Grand. We can eat or just have coffee for as long as we want there, and then head over. Sound good?

*Shelley Luce, D.Env.  
Executive Director  
Santa Monica Bay Restoration Commission  
Pereira Annex MS:8160  
1 LMU Drive, Loyola Marymount University  
Los Angeles, CA 90045  
310-961-4444*

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---

**From:** Mary Small [mailto:mssmall@scc.ca.gov]  
**Sent:** Monday, January 30, 2012 4:30 PM  
**To:** Shelley Luce  
**Cc:** Diana Hurlbert  
**Subject:** Re: timelines...

Great, let's meet before maybe 11?  
Downtown would be easy for me but I could also fly to LAX and meet at LMU, if we do that maybe we could meet a little earlier?

Sam can't make it, this rescheduled time didn't work for him.  
Mary

sent from my phone

On Jan 27, 2012, at 12:38, Shelley Luce <[sluce@santamonicabay.org](mailto:sluce@santamonicabay.org)> wrote:

I have kept the whole day open. You can Sam can tell us what works for you - meet earlier downtown or at LMU, anytime after 9:30 is good for me. We can reserve a conf room at water board offices or meet at a coffee shop if we do it downtown.

*Shelley Luce, D.Env.  
Executive Director  
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Los Angeles, CA 90045  
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---

**From:** Diana Hurlbert  
**Sent:** Friday, January 27, 2012 10:07 AM  
**To:** Mary Small; Shelley Luce  
**Subject:** RE: timelines...

The 1<sup>st</sup> works for me. As for timeline this is what I am shooting for....

Early Feb for Nick's revised engineering/construction PD  
Late Feb/early March for summary NOP/NOI to be circulated  
March/April for Habitat/Adaptive Mgmt Plan  
Early May for draft geotech, recreation/Area C, hydraulics, traffic, and 30% engineering/design  
Working over summer on & circulating admin draft chapters and finalizing reports, recreation/Area C etc.  
Finalizing Public review Draft for circulation in late Sept.

Please keep in mind that we will be creating and circulating draft chapters for review as information is available. All document preparation will be on concurrent paths. Keeping to the timeline depends mostly on how responsive reviewers are to deadlines for comment (ie. a 2 week turn around). The consultants are all aware of these targets and have committed to meeting them.

---

**From:** Mary Small [mailto:msmall@scc.ca.gov]  
**Sent:** Thursday, January 26, 2012 3:24 PM  
**To:** Shelley Luce  
**Cc:** Diana Hurlbert  
**Subject:** Re: timelines...

Hi

Sorry if I misspoke I feel like I have promised dates that we haven't met so many times that I instinctively underestimate when we'll get things done. It would be super valuable to have some key milestones on a schedule that we all are working off of- MRCA asked for that too. I can draft it up next week or you guys can send it to me.

I think there may be a role for Sci input going fwd but after I'm not sure I think we should have more SAC mtgs. Do you guys have time on the 1st? I think there are a few things we should touch base on and I could meet before or immediately after our mtg w ACOE.

Thanks  
Mary

sent from my phone

On Jan 26, 2012, at 15:47, Shelley Luce <[sluce@santamonicabay.org](mailto:sluce@santamonicabay.org)> wrote:

Hi Mary,

I wanted to check in on our timelines but I forgot to mention yesterday. I've been shooting for end of Feb. release of the NOP/NOI and public review draft of EIR/EIS in Sept. 2012. In the SAC meeting I thought I heard you say something longer than that – a few months until the NOP comes out. Also in the SAC meeting we kind of indicated there could be more SAC meetings to resolve

things that we were discussing and I didn't think that was part of our plan. I do think we can continue discussion of relevant things with SAC members as we write the draft EIR, and reconvene if necessary. Is that what you were thinking?

Talk to you Monday!  
Shelley

*Shelley Luce, D.Env.  
Executive Director  
Santa Monica Bay Restoration Commission  
Pereira Annex MS:8160  
1 LMU Drive, Loyola Marymount University  
Los Angeles, CA 90045  
310-961-4444*

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**From:** Mary Small  
**To:** "Shelley Luce"  
**Subject:** LA Co  
**Date:** Tuesday, December 13, 2011 9:14:00 AM

---

Hi

Do you think there is any chance that we could get a commitment from LA Co to fund the permit process before Jan? Then I could add them as matching funds to my staff report.

Mary

~~~~~

Mary Small
Deputy Executive Officer, Coastal Conservancy
1330 Broadway #1300 Oakland, CA 94612
510-286-4181

From: Mary Small
To: "Mary Small"; "Shelley Luce"
Cc: "Diana Hurlbert"
Subject: RE: draft agmt SMBRF 2
Date: Monday, February 13, 2012 9:28:00 AM

Hi

Can you let me know if this looks basically ok so I can send it to Mr. Davis?

Thanks

Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, February 07, 2012 2:28 PM
To: 'Shelley Luce'
Cc: 'Diana Hurlbert'
Subject: draft agmt SMBRF 2

Hi Shelley

Attached is a draft of the grant agmt to the SMBRF for the \$240K. We'll need to develop a work plan and budget separately.

Can you take a quick review and let me know if it looks ok? Elena has asked me to produce this draft quickly as it seems the best way to respond to our most recent PRA from Mr. Davis.

Thanks

Mary

ATTACHMENT 6



REQUEST FOR SERVICES

Ballona Wetlands Ecological Reserve Environmental Analysis and Permit Assistance

May 11, 2009

Contract Type: Environmental Professional Services

Scope:

Perform environmental analysis and assist in applying for permits for habitat enhancement and public access improvements at the Ballona Wetlands Ecological Reserve in Los Angeles.

Submittal Deadline: June 1, 2009

Proposals should be submitted electronically in adobe acrobat format and must be received at the Conservancy by June 1, 2009.

Contact: Mary Small, California Coastal Conservancy, msmall@scc.ca.gov

From: [Mary Small](#)
To: ["Ivan Medel"](#)
Cc: ["Shelley Luce"](#); ["Karina Johnston"](#); ["Diana Hurlbert"](#)
Subject: FW: post to web?
Date: Wednesday, February 08, 2012 4:48:00 PM
Attachments: [Ballona Civil Engineering and Geotech.pdf](#)
[Ballona Hydrology and Engineering.pdf](#)

Hi Ivan

Could you post the following on the homepage of the Ballona Restoration Project website?

The California State Coastal Conservancy is requesting proposals for consultant services for two separate contracts related to the proposed enhancement of the Ballona Wetlands Ecological Reserve in Los Angeles County. Services are needed to complete engineering and geotechnical evaluations, hydrology, technical studies, design and related services to support completion of a project level EIR/EIS and preparation and processing of a Section 408 permit through the Army Corp of Engineers. One contract will be for Civil and Geotechnical Engineering and a second contract will be for Hydrology and Engineering Design Analysis.

Please unhighlight the text above but insert hyperlinks to the attached docs to the highlighted text to the RFS, does that make sense?

Thanks,
Mary

REQUEST FOR SERVICES

Ballona Wetlands Ecological Reserve Civil and Geotechnical Engineering and Permit Assistance

February 8, 2010

Contract Type: Civil Engineering and Geotechnical Professional Services

Scope: Provide engineering and geotechnical evaluations, design and related services for the proposed wetland restoration design of the Ballona Wetlands Ecological Reserve in Los Angeles. Technical studies, evaluations, and designs will be of sufficient detail to support completion of a project level EIR/EIS and preparation and processing of a Section 408 permit through the Army Corp of Engineers.

Submittal Deadline: February 29, 2012

Proposals should be submitted electronically in adobe acrobat format and must be received at the Conservancy by February 29, 2012.

Contact: Mary Small, California Coastal Conservancy, msmall@scc.ca.gov

From: Mary Small
To: "Diana Hurlbert"; "David Lawhead (DLawhead@dfg.ca.gov)"; "Eichler, Monica SPL"; "Eric Gillies"; "griggsp@slc.ca.gov"; "Hamamoto, Bruce"; "Patrick Holland (pholland@dpw.lacounty.gov)"; "Rick Mayfield (rmayfield@dfg.ca.gov)"; "Serna, Phillip J SPL"; "Shelley Luce"; "Strum, Stuart R MVN-Contractor"; "Swenson, Daniel P SPL"; "Terri Grant (tgrant@dpw.lacounty.gov)"; "Youn Sim (ysim@dpw.lacounty.gov)"
Subject: RE: request for services - ballona wetlands
Date: Thursday, February 09, 2012 5:02:00 PM

Hello all-

Here's some more information about the Coastal Conservancy's contractor selection process. It is a quick process and I am hoping PMT members will assist us so I want to be sure you are aware of the schedule.

I am really hoping the PMT will help in reviewing proposals and that staff from the County and Corp will participate on the selection panel. These contracts are for work to support the County's 408 submittal. Here's the schedule for the review/selection:

- Proposals will be submitted electronically to me on 2/29
- I will post them on a secure site by 3/1 for PMT review
- PMT will select the top 3 or 4 firms we'll interview for each contract by 3/5
- PMT will do a detailed review of the written proposals of the top proposals by 3/13
- Interviews will be in LA on 3/13 – all day

I am assuming the selection panel will be Diana, me, and a representative from the County and the Corps. If anyone else wants to spend March 13th interviewing firms, please let me know.

Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Wednesday, February 08, 2012 4:46 PM
To: 'Diana Hurlbert'; 'David Lawhead (DLawhead@dfg.ca.gov)'; 'Eichler, Monica SPL'; 'Eric Gillies'; 'griggsp@slc.ca.gov'; 'Hamamoto, Bruce'; 'Patrick Holland (pholland@dpw.lacounty.gov)'; 'Rick Mayfield (rmayfield@dfg.ca.gov)'; 'Serna, Phillip J SPL'; 'Shelley Luce'; 'Strum, Stuart R MVN-Contractor'; 'Swenson, Daniel P SPL'; 'Terri Grant (tgrant@dpw.lacounty.gov)'; 'Youn Sim (ysim@dpw.lacounty.gov)'
Subject: FW: request for services - ballona wetlands

The request for services for the civil engineering and geotechnical contract and the hydrology and engineering contracts went out today. Feel free to forward to other potential contractors, I sent it to about 60 in our database and we will post it on the web. Proposals are due on Feb 29th.

Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Wednesday, February 08, 2012 4:39 PM
Subject: FW: request for services - ballona wetlands

The California State Coastal Conservancy is requesting proposals for consultant services for two separate contracts related to the proposed enhancement of the Ballona Wetlands Ecological

Reserve in Los Angeles County. Services are needed to complete engineering and geotechnical evaluations, hydrology, technical studies, design and related services to support completion of a project level EIR/EIS and preparation and processing of a Section 408 permit through the Army Corp of Engineers. One contract will be for Civil and Geotechnical Engineering and a second contract will be for Hydrology and Engineering Design Analysis.

~~~~~

Mary Small  
Deputy Executive Officer, Coastal Conservancy  
1330 Broadway #1300 Oakland, CA 94612  
510-286-4181

**Subject:** RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 27, 2012

**From:** "Elena Eger" <eger@scc.ca.gov> (Add as Preferred Sender)  
**Date:** Wed, Mar 28, 2012 8:46 am  
**To:** <jd@johnanthonydavis.com>  
**Cc:** "Mary Small" <msmall@scc.ca.gov>, <sschuchat@scc.ca.gov>

Dear Mr. Davis:

The Conservancy does not possess a responsive record to your request, below.

Sincerely,

Elena Eger

Senior Staff Counsel

California Coastal Conservancy

1330 Broadway, Ste. 1300

Oakland, CA 94612

510-286-4089 tele/voicemail

510-286-0470 fax

**From:** jd@johnanthonydavis.com [mailto:jd@johnanthonydavis.com]  
**Sent:** Tuesday, March 27, 2012 5:55 PM  
**To:** Elena Eger  
**Cc:** 'Mary Small'; sschuchat@scc.ca.gov  
**Subject:** RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 27, 2012

California Coastal Conservancy

Re: Public Records Request

Please provide any statute which exempts the California Coastal Conservancy from the California Contract Code as it relates to the Agency entering into contracts of any type.

Thank you,

John Davis

----- Original Message -----

Subject: RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 21, 2012

From: "Elena Eger" <[eeeger@scc.ca.gov](mailto:eeeger@scc.ca.gov)>

Date: Tue, March 27, 2012 5:27 pm

To: <[jd@johnanthonydavis.com](mailto:jd@johnanthonydavis.com)>

Cc: "Mary Small" <[msmall@scc.ca.gov](mailto:msmall@scc.ca.gov)>, <[sschuchat@scc.ca.gov](mailto:sschuchat@scc.ca.gov)>

Dear Mr. Davis:

Your request below does not constitute a request for a record pursuant to the Public Records Act. Rather, your request is for an analysis of statutory law. I am ethically prohibited from providing counsel to anyone other than my client. Assuming that you are not a lawyer, I am also ethically bound to suggest to you that you obtain your own counsel to advise you on such matters. You may utilize the California State Bar website for referrals to counsel at [www.calbar.ca.gov](http://www.calbar.ca.gov).

Sincerely,

Elena Eger

Senior Staff Counsel

California Coastal Conservancy

1330 Broadway, Ste. 1300

Oakland, CA 94612

510-286-4089 tele/voicemail

510-286-0470 fax

**From:** [jd@johnanthonydavis.com](mailto:jd@johnanthonydavis.com) [mailto:[jd@johnanthonydavis.com](mailto:jd@johnanthonydavis.com)]  
**Sent:** Tuesday, March 27, 2012 1:38 PM  
**To:** Elena Eger  
**Subject:** RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 21, 2012

Hello,

Thank you for the citations. However, neither removes the requirement of the Coastal Conservancy to comply with Public Contract Code Sections 10140-10141 nor 10515-10518.

If the Conservancy is exempt from the California Contract Code, please inform me as to what statute or code provides for such an exemption.

John Davis

----- Original Message -----

Subject: RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 21, 2012

From: "Elena Eger" <[eeeger@scc.ca.gov](mailto:eeeger@scc.ca.gov)>

Date: Tue, March 27, 2012 12:50 pm

To: <[jd@johnanthonydavis.com](mailto:jd@johnanthonydavis.com)>

Cc: "Schuchat, Sam" <[sschuchat@scc.ca.gov](mailto:sschuchat@scc.ca.gov)>, "Mary Small"

<[msmall@scc.ca.gov](mailto:msmall@scc.ca.gov)>, "Dick Wayman" <[dwayman@scc.ca.gov](mailto:dwayman@scc.ca.gov)>, "Nadine

Peterson" <[npeterson@scc.ca.gov](mailto:npeterson@scc.ca.gov)>, "Heather Baugh"

<[heather.baugh@resources.ca.gov](mailto:heather.baugh@resources.ca.gov)>, <[kimg@resources.ca.gov](mailto:kimg@resources.ca.gov)>



Dear Mr. Davis:

This correspondence contains the Coastal Conservancy's (Conservancy) response to your March 21, 2012 Public Records Act request, below.

The Conservancy does not possess any responsive records to either of your numbered requests. However, we direct you to Government Code Sections 4525 *et seq.* and 14 California Code of Regulations Sections 13870 *et seq.* for our contracting process.

Sincerely,

Elena Eger

Senior Staff Counsel

California Coastal Conservancy

1330 Broadway, Ste. 1300

Oakland, CA 94612

510-286-4089 tele/voicemail

510-286-0470 fax

**From:** [jd@johnanthonydavis.com](mailto:jd@johnanthonydavis.com) [mailto:[jd@johnanthonydavis.com](mailto:jd@johnanthonydavis.com)]

**Sent:** Wednesday, March 21, 2012 2:11 PM

**To:** "Samuel Schuchat"; "John Laird"; 'Dick Wayman'; 'Nadine Peterson'; [carmenp@scc.ca.gov](mailto:carmenp@scc.ca.gov); [king@resources.ca.gov](mailto:king@resources.ca.gov)

**Cc:** John Chang

**Subject:** PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 21, 2012

California Coastal Conservancy

Att: Executive Director Sam Schuchat

California Coastal Conservancy

March 21, 2012

To: Governing Board and Management

Douglas Bosco  
Marisa Moret  
Ann Nothoff  
John Laird  
Susan Hancsh

Karen Finn

Bryan Cash

Noreen Evens

Joe Simitan

Anthony Cannella

Bill Mornning

Luis Alejo

Das Williams

CC  
John Chang State Controller

Att: Executive Director Schuchat, Please Send This Letter to All California Coastal Conservancy Governing Board and Management.

This is a request for public records made pursuant to the California Public Records Act. Each numbered item is a distinct request for public records.

1. Please provide any and all public records that demonstrate compliance with California Public Contract Code Section 10140-10141 in regard to the California Coastal Conservancy approval on January 19, 2012 of File No. 04-088 which approved money to be disbursed for engineering, hydrologic analyses, geotechnical assessments, and public design.

2. Please provide any and all public records that demonstrate compliance with California Public Contract Code Section 10515-10518 in regard to the California Coastal Conservancy approval on January 19, 2012 of File No. 04-088 which approved money to be disbursed for engineering, hydrologic analyses, geotechnical assessments, and public design.

No such records have been requested or received by me to date.

See Attached Approval for File No. 04-088

Thank you,

John Davis  
PO 10152  
Marina del Rey Ca. 90295

## **PUBLIC CONTRACT CODE SECTION 10140-10141**

**10140. Public notice of a project shall be given by publication once a week for at least two consecutive weeks or once a week for more than two consecutive weeks if the longer period of advertising is deemed necessary by the department, as follows: (a) In a newspaper of general circulation published in the county in which the project is located, or if located in more than one county, in such a newspaper in a county in which a major portion of the work is to be done. (b) In a trade paper of general circulation published in San Francisco for projects located in County Group No. 1, as defined in Section 187 of the Streets and Highways Code, or in Los Angeles for projects located in County Group No. 2, as defined in said Section 187, devoted primarily to the dissemination of contract and building news among contracting and building materials supply firms. The department may publish the notice to bidders for a project in additional trade papers or newspapers of general circulation that it deems advisable.** 10141. The notice shall state the time and place for the receiving and opening of sealed bids, describing in general terms the work to be done and that the bids will be required for the entire project and for the performance of separate designated parts of the entire project, when the department determines that segregation is advisable.

## **PUBLIC CONTRACT CODE**

### **SECTION 10515-10518**

10515. (a) No person, firm, or subsidiary thereof who has been awarded a consulting services contract may submit a bid for, nor be awarded a contract on or after July 1, 2003, for the provision of services, procurement of goods or supplies, or any other related action that is required, suggested, or otherwise deemed appropriate in the end product of the consulting services contract. (b) Subdivision (a) does not apply to either of the following: (1) Any person, firm, or subsidiary thereof who is awarded a subcontract of a consulting services contract that amounts to no more than 10 percent of the total monetary value of the consulting services contract. (2) Consulting services contracts that comply with Article 2.5 (commencing with Section 10510.4). (c) (1) Subdivision (a) does not apply to any person, firm, or subsidiary awarded a consulting services contract by a University of California medical center when the provision of service, procurement of goods or supplies, or any other related action required, suggested, or otherwise deemed appropriate in the end product of the consulting services contract, is necessary to avoid a competitive disadvantage in the hospital industry, improve patient care, protect the privacy of patient information, or avoid significant delay and additional expense. (2) The University of California shall report within 30 days on any exemption granted under paragraph (1) to the Joint Legislative Budget Committee and the Department of Finance. The report shall include a description of the circumstances that warranted the exemption, the effects of the exemption on patient care or patient privacy, and a calculation of the projected costs savings to the institution as a result of the exemption. 10516. No officer or employee of the University of California shall engage in any employment, activity, or enterprise from which the officer or employee receives compensation or in which the officer or employee has a financial interest if that employment, activity, or enterprise is sponsored or funded, or sponsored and funded, by any university department through or by a university contract unless the employment, activity, or enterprise is within the course and scope of the officer's or employee's regular university employment. No officer or employee in the university shall contract on his or her own individual behalf as an independent contractor with any university department to provide services or goods. This section shall not apply to officers or employees of the university with teaching or research responsibilities, nor shall it apply to student employees for payment for additional campus activities or engagements outside of the scope of their primary university employment. 10517. (a) No retired, dismissed, separated, or formerly employed person of the University of California employed with the university or otherwise appointed to serve in the university may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements, or any part of the decisionmaking process relevant to the contract while employed in any capacity by any university department. The prohibition of this subdivision shall apply to a person only during the two-year period beginning on the date the person left university employment. (b) For a period of 12 months following the date of his or her retirement, dismissal, or separation from the University of California, no person employed in the university or otherwise appointed to serve in the university may enter into a contract with any university department, if he or she was employed by that department in a policymaking position in the same general subject area as the proposed contract within the 12-month period prior to his or her retirement, dismissal, or separation.

The prohibition of this subdivision shall not apply to a contract requiring the person's services as an expert witness in a civil case or to a contract for the continuation of an attorney's services on a matter he or she was involved with prior to leaving the university. (c) This section does not prohibit the rehire or reappointment of University of California employees after retirement, consistent with university administrative policies, nor does it apply to inventors and authors of intellectual property licensed under technology transfer agreements. 10518. (a) Except as otherwise provided in subdivision (b), each contractor who enters into a contract with a University of California campus for ten thousand dollars (\$10,000) or more shall be assigned an identification number by the chancellor of that university campus. Each contractor who has been assigned a number shall list it on each contract the contractor enters into with the university campus, regardless of the amount of the contract. In the case of a corporation or firm, the chancellor's assigned number shall be used exclusively on each contract with that particular chancellor's campus. The assigned number shall remain unchanged regardless of future name changes. (b) If the identification numbers cannot be tracked centrally by the Regents of the University of California, then the regents, and not the chancellors, shall assign the identification numbers.

## **ATTACHMENT 7**

**From:** Mary Small  
**To:** "Barbara Romero"  
**Cc:** "Melissa Guerrero"; "Diana Hurlbert"; "Shelley Luce"  
**Subject:** SCC mtg in Jan  
**Date:** Monday, December 19, 2011 3:30:00 PM  
**Attachments:** Ballona Wetlands Engineering and Technical Studies.docx

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Hi Barbara,

Thanks for agreeing to support the recommendation for funding for engineering work at Ballona. Attached is the draft staff report, the project will be heard at our Jan 19th meeting at the Baldwin Hills Scenic Overlook. As you can see it's a pretty big authorization, so we'd love your support. I think we may take the Board on a tour of Ballona that morning and then the meeting will start around 12:30. It would be great to have MRCA join us for either the tour or the meeting.

Thanks also for the message about the early action plan grant. When you have time submit any final billing or just a letter stating that the work is all done and I'll close it out.

Hope you are doing well and have a great holiday.

Mary

**From:** Mary Small  
**To:** "Shelley Luce"; "Scott Valor"  
**Subject:** FW: support letter for SCC board meeting?  
**Date:** Wednesday, January 11, 2012 3:53:00 PM

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Good news

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**From:** Sarah Sikich [mailto:ssikich@healthebay.org]  
**Sent:** Wednesday, January 11, 2012 3:44 PM  
**To:** Mary Small  
**Subject:** RE: support letter for SCC board meeting?

Hi Mary,

Mark forwarded me your email about the Ballona technical study support letter for the SCC board meeting. We discussed it at our department meeting this week, and will send in a letter. Is an electronic copy fine, or do you need a hard copy? Also, should I just send it to you?

Additionally, Alix Hobbs would like to join our meeting while you are at Heal the Bay to discuss some of our Coastal Conservancy projects and potential future ideas. Is it okay with you if she joins for the second half of the meeting?

Thanks,  
Sarah

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**From:** Mary Small [mailto:mssmall@scc.ca.gov]  
**Sent:** Tuesday, January 03, 2012 3:00 PM  
**To:** Mark Gold  
**Subject:** RE: support letter for SCC board meeting?

Thanks, the meeting is the 19<sup>th</sup> so that's the deadline. Yes, I totally understand.

I was just sending Sarah an email about possible dates I'll be in LA when I'd like to stop in and talk about OPC, so maybe I'll see you then.

Happy new year (and MLPA implementation)  
Mary

---

**From:** Mark Gold [mailto:mgold@healthebay.org]  
**Sent:** Tuesday, January 03, 2012 2:39 PM  
**To:** Mary Small  
**Subject:** RE: support letter for SCC board meeting?

Mary – Happy new year to you too. We will definitely take a look at this and think it through. It is a great project and needs to happen. The political baggage that goes with it is no picnic as you know.

When is the deadline?



## **ATTACHMENT 8**

**From:** [jd@johnanthonydavis.com](mailto:jd@johnanthonydavis.com) [mailto:[jd@johnanthonydavis.com](mailto:jd@johnanthonydavis.com)]

**Sent:** Wednesday, March 21, 2012 12:34 PM

**To:** "Samuel Schuchat"; "John Laird"; 'Dick Wayman'; 'Nadine Peterson'; [carmenp@scc.ca.gov](mailto:carmenp@scc.ca.gov); [king@resources.ca.gov](mailto:king@resources.ca.gov)

**Cc:** David Lawhead; John Chang

**Subject:** To All California Coastal Conservancy Board Members from John Davis

California Coastal Conservancy  
Att: Executive Director Sam Schuchat

California Coastal Conservancy

March 21, 2012

To: Governing Board and Management  
Douglas Bosco  
Marisa Moret  
Ann Nothoff  
John Laird  
Susan Hancsh  
Karen Finn  
Bryan Cash  
Noreen Evens  
Joe Simitan  
Anthony Cannella  
Bill Mornning  
Luis Alejo  
Das Williams

CC  
John Chang State Controller

Att: Executive Director Schuchat, Please Send This Letter to All California Coastal Conservancy Governing Board and Management.

Your Staff Attorney, Elena Eger has indicted this State Agency will not answer the fair questions I, as a member of the public asked regarding the procedures of the Conservancy.

Failure to answer such questions is contrary to the role of the State Agency to enjoin the public in the processes.

Please request that Staff respond to the questions I have asked.

Furthermore I have requested that your Staff not copy any Private Business or Individuals on responses to me as I consider it harassment and intimidation by the State Agency.

Should any such private business or individual wish to obtain such email records, such records should ONLY be provide if requests for such records are made pursuant to the Law, the California Public Records Act.

The Information Practices Act (Civil Code section 1798 et seq.) generally prohibits agencies from disclosing an individual's personal information to the public.

Thank you,

John Davis  
PO 10152  
Marina del Rey Ca. 90295

.....  
**From:** [jd@johnanthonydavis.com](mailto:jd@johnanthonydavis.com) [<mailto:jd@johnanthonydavis.com>]  
**Sent:** Thursday, February 16, 2012 1:29 PM  
**To:** Elena Eger  
**Cc:** 'Mary Small'; 'Sam Schuchat'; 'Dick Wayman'; 'Shelley Luce'; [svalor@santamonicabay.org](mailto:svalor@santamonicabay.org)  
**Subject:** Reply from John Davis RE: Davis' Requests for Information

California Coastal Conservancy  
Att: E.Eger  
Re: Reply

Dear E. Eger,

The request for public records submitted on 2/14/2012 remains outstanding.

The Commission still needs to reply to this request within 10 days of the submission date. I do expect a reply by 2/24/2012 as the Public Records Act requires under law.

I also would take issue with your recent email stating that I made a DEMAND of the Commission. This is far from true.

In fact my email stated the INTENDED PURPOSE of the email and made no demands as you stated to me in your email to me.

Prior to that, you inferred in another email that I made statements and or asserted things that I clearly did not.

I corrected you once already in writing, and find I must do so yet again.

Your accuracy in characterizing my telephonic conversations or written documents should not be clouded by your misconceptions as I do not find it to be professional in your role as a State Attorney.

Regards,

John Davis  
PO 10152  
Marina del Rey Ca. 90295

\*\*\*\*\*

**Subject:** Reply from John Davis RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS  
**From:** <jd@johnanthonydavis.com> (Add as Preferred Sender)  
**Date:** Tue, Feb 14, 2012 2:05 pm  
**To:** "Elena Eger" <eeeger@scc.ca.gov>

California Coastal Conservancy  
Att: Elana Eger Council  
Re: Reply to your communication

Counsel Eger,

Please pardon my typo in your title.

Also, I still do not understand why a State Agency would share my letter, and personal email address with a private business, unless requested pursuant to the Public Records Act. I am not sure what other private businesses you intend to copy on my letters to the State Agency using State facilities.

I do understand that you will continue to provide my emails to this State Agency with private businesses:

" Indeed, we will continue to share communications to you or from you with our other Ballona project partners, irrespective of whether the partner is a public or private organization, when we, at our sole discretion, determine that dissemination to be useful for our project purposes."

How does the Coastal Conservancy define the term "partner" as used in your statement?

How, at the Coastal Conservancy, is a determination made at its sole discretion whether the dissemination of my email to the State Agency would be useful for the Conservancy's project purposes?

What entity of the Coastal Conservancy is entitled to make such a determination and under what authority?

These are fair questions given that my letters to you have already been shared with a private business.

Thank you for your continued assistance.

John Davis

PO 10152

Marina del Rey Ca. 90295

----- Original Message -----

Subject: RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS

From: "Elena Eger" <eeger@scc.ca.gov>  
Date: Tue, February 14, 2012 12:32 pm  
To: <jd@johnanthonydavis.com>  
Cc: "Mary Small" <msmall@scc.ca.gov>, <svalor@santamonicabay.org>,  
"Shelley Luce" <sluce@santamonicabay.org>, "Dick Wayman"  
<dwayman@scc.ca.gov>

Mr. Davis:

This is in partial response to your PRA, below and your request of yesterday at 5:15 p.m. in which you demand that we not share your communications with "any private business" and in which you characterize such communications as "private".

While we will provide you with your requests to the extent possible and in compliance with the PRA, we must clarify to you that communications between you, as a member of the public, and the Conservancy, a public agency, are not considered under the PRA and thus not by the Conservancy to be "private communications", subject to any privilege or exception under the Act. Indeed, we will continue to share communications to you or from you with our other Ballona project partners, irrespective of whether the partner is a public or private organization, when we, at our sole discretion, determine that dissemination to be useful for our project purposes.

I would also like to clarify for you for your future purposes that my title is not "council" but "counsel", that is, I am a lawyer, not a member of a council.

Sincerely,

Elena Eger  
Senior Staff Counsel  
California Coastal Conservancy  
1330 Broadway, Ste. 1300  
Oakland, CA 94612  
510-286-4089 tele/voicemail  
510-286-0470 fax

\*\*\*\*\*

**From:** jd@johnanthonydavis.com [mailto:jd@johnanthonydavis.com]  
**Sent:** Tuesday, February 14, 2012 10:49 AM  
**To:** Elena Eger  
**Subject:** PUBLIC RECORDS REQUEST FROM JOHN DAVIS

California Coastal Conservancy  
Att: Council E. Eger  
Re: Public Records Request

This is a public records request made pursuant to the California Public Records Act. Each numbered item is a separate and distinct request for public records. This letter is only intended to for the California Coastal Conservancy and NOT FOR ANY PRIVATE BUSINESS, unless requested by such a business via the California Public Records Act.

1. Provide any and all emails to and received by the California Coastal Conservancy

from the following email address in regard and prior to Item 5 of the Conservancy hearing on January 19, 2012: [sluce@santamonicabay.org](mailto:sluce@santamonicabay.org)

2. Provide any and all emails to and received by the California Coastal Conservancy from the following email address in regard and prior to Item 5 of the Conservancy hearing on January 19, 2012: [svalor@santamonicabay.org](mailto:svalor@santamonicabay.org)

3. Provide any and all emails to and received by the California Coastal Conservancy from the following email address AFTER the Conservancy hearing on January 19, 2012: [sluce@santamonicabay.org](mailto:sluce@santamonicabay.org)

4. Provide any and all emails to and received by the California Coastal Conservancy from the following email address AFTER the Conservancy hearing on January 19, 2012: [svalor@santamonicabay.org](mailto:svalor@santamonicabay.org)

6. Provide any and all emails sent by the Conservancy to following email address in regard and prior to Item 5 of the Conservancy hearing on January 19, 2012: [sluce@santamonicabay.org](mailto:sluce@santamonicabay.org)

7. Provide any and all emails sent by the Conservancy to following email address in regard and prior to Item 5 of the Conservancy hearing on January 19, 2012: [svalor@santamonicabay.org](mailto:svalor@santamonicabay.org)

8. Provide any and all email sent by the California Coastal Conservancy to following email address in AFTER the Conservancy hearing on January 19, 2012: [sluce@santamonicabay.org](mailto:sluce@santamonicabay.org)

9. Provide any and all email sent by the California Coastal Conservancy to following email address in AFTER the Conservancy hearing on January 19, 2012: [svalor@santamonicabay.org](mailto:svalor@santamonicabay.org)

Thank you for your assistance,

John Davis  
PO 10152  
Marina del Rey Ca. 90295

----- Original Message -----

Subject: RE: Reply from John Davis RE: Davis' Requests for Information

From: "Elena Eger" <[eeeger@scc.ca.gov](mailto:eeeger@scc.ca.gov)>

Date: Thu, February 16, 2012 7:48 pm

To: <[jd@johnanthonydavis.com](mailto:jd@johnanthonydavis.com)>

Cc: "'Mary Small'" <[msmall@scc.ca.gov](mailto:msmall@scc.ca.gov)>, "'Sam Schuchat'"

<[sschuchat@scc.ca.gov](mailto:sschuchat@scc.ca.gov)>, "'Dick Wayman'" <[dwayman@scc.ca.gov](mailto:dwayman@scc.ca.gov)>, "'Shelley Luce'" <[sluce@santamonicabay.org](mailto:sluce@santamonicabay.org)>, <[svalor@santamonicabay.org](mailto:svalor@santamonicabay.org)>

Dear Mr. Davis:

As I stated in my email of yesterday to you, we intend to comply with your records request to us of 2/14. We are working on compiling the records that you have requested. Please clarify whether you wish to receive the emails pertaining to correspondence among Mr. Valor, Ms. Luce and Conservancy staff with respect to the Item #5 on the 1-19-12 agenda only.

Please clarify that you are referring to the Conservancy when you make reference to the "Commission" in your message below.

As to your other allegations contained in your email below, I remind you that, as I said yesterday, we will make no further comment, which, of course, does not mean that we agree or disagree with your interpretations. Again, unless you are requesting a record from us under the Public Records Act, we do not intend to make further explanatory comments to you.

Sincerely,

Elena Eger  
Senior Staff Counsel  
California Coastal Conservancy  
1330 Broadway, Ste. 1300  
Oakland, CA 94612  
510-286-4089 tele/voicemail  
510-286-0470 fax

----- Original Message -----

Subject: Davis' Requests for Information

From: "Elena Eger" <[eeeger@scc.ca.gov](mailto:eeeger@scc.ca.gov)>

Date: Wed, February 15, 2012 6:45 pm

To: <[jd@johnanthonydavis.com](mailto:jd@johnanthonydavis.com)>

Cc: "'Mary Small'" <[msmall@scc.ca.gov](mailto:msmall@scc.ca.gov)>, "'Sam Schuchat'"

<[sschuchat@scc.ca.gov](mailto:sschuchat@scc.ca.gov)>, "'Dick Wayman'" <[dwayman@scc.ca.gov](mailto:dwayman@scc.ca.gov)>, "'Shelley

Luce'" <[sluce@santamonicabay.org](mailto:sluce@santamonicabay.org)>, <[svalor@santamonicabay.org](mailto:svalor@santamonicabay.org)>

Dear Mr. Davis:

In response to your inquiry below, I am providing you with the link to our website's contents of Item 5, Ballona Restoration Project, approved at the Conservancy's 1-19-12 public meeting unanimously. All my references are to the contents in this link. [http://scc.ca.gov/webmaster/ftp/pdf/sccbb/2012/1201/20120119Board05\\_Ballona\\_Wetlands.pdf](http://scc.ca.gov/webmaster/ftp/pdf/sccbb/2012/1201/20120119Board05_Ballona_Wetlands.pdf).

I believe in your message below you are referencing Exhibit 4. This record reads at the bottom of the page in the key: "Existing habitat units based on field survey conducted by the California Department of Fish and Game, October – December 2000. Map created by GreenInfo Network October 20, 2011." The Conservancy's logo is next to this statement.

With respect to the remainder of your email to us, below, except for our response to your last statement regarding the Conservancy's

dissemination of your correspondence to and with us, which we responded to in my earlier email to you of yesterday at 11:32 a.m., we wish to direct your attention to the Public Records Act (PRA), which provides the public with the mechanism to request a public record from a public agency. Additionally, we wish to direct your attention to the Ballona Restoration website, linked on our Conservancy website at [www.scc.ca.gov](http://www.scc.ca.gov), which among other resources, has project documents and provides a calendar of upcoming meetings, if any, where you have the opportunity to seek clarification and information regarding the restoration project.

We have cooperatively provided you with both oral and written clarifications on requests you have made to us for information or on allegations you have made that we or our project partners are violating particular laws or practices or conducting our respective project business improperly. In fact, since the Conservancy unanimously approved Item 5 for Ballona Restoration Planning, on 1-19-12, we responded to every one of your requests for records under the PRA or for explanations or to answer your allegations, which now amount to some 16 written requests to date for both information and records in the 18 business days from our 1-19-12 meeting, except for two requests for information and one request for records, received yesterday. Additionally, you have spoken by phone with six of our staff numerous times each, none of which were records requests but were rather in the nature of your seeking more information or explanation from us. Despite our willingness to provide you with explanations and/or clarifications, we continue to receive more requests for the same information from you, often accompanied by accusations of improper behavior.

In compliance with our obligations under the Public Records Act, we will continue to provide our records to you upon written request for such records. However, we will not be responding to your further requests for non-record information or explanation or to your allegations of improper business practices beyond this request, below. We cannot conduct our regular business in service of the public and continue to respond to your almost-daily and, if daily, often numerous daily requests for non-record information or to answer your allegations. Despite our willingness to provide you with explanations, clarifications and information, our good-faith responses back to you seem to be unsatisfactory to you since you follow-up often with yet another request for the same information. Continuing this "asked and answered" process seems an unproductive use of public resources. So, with respect to your statement that DFG produced this map, please note that as cited above here, GreenInfo Network produced the map for the Conservancy and its project partners/team's use; DFG is



our restoration partner on this project. We direct you to the Conservancy's website at [www.scc.ca.gov](http://www.scc.ca.gov), Ballona restoration for identification of our project partners on this project.

With respect to whether DFG provided the Conservancy with permission to put our logo on this proposed restoration design, please note that the Conservancy is a project partner with DFG and that within this partnership, the Conservancy acts as the lead in restoration planning with the full agreement of the other project partners, including the DFG.

Sincerely,

Elena Eger  
Senior Staff Counsel  
California Coastal Conservancy  
1330 Broadway, Ste. 1300  
Oakland, CA 94612  
510-286-4089 tele/voicemail  
510-286-0470 fax

**From:** [jd@johnanthonydavis.com](mailto:jd@johnanthonydavis.com) [mailto:[jd@johnanthonydavis.com](mailto:jd@johnanthonydavis.com)]

**Sent:** Monday, February 13, 2012 5:15 PM

**To:** 'Elena Eger'

**Cc:** 'Nadine Peterson'; 'Sam Schuchat'; 'Dick Wayman'; Mary Small

**Subject:** RE: Davis call to Eger of 2-6-12

California Coastal Conservancy  
Att: Elena Eger Legal Council  
CC Mary Small Project Manager  
Re: Item 5 January 19th 2012 Meeting

Hello Council Eger,

Mary Small directed me to you to answer a question about the hearing noted above.

The attached map was presented as a projection.

It bears the seal of the State Coastal Conservancy. The small text below the legend is hard to read but it does reference the California Dpt. of Fish and Game in 2011. The text is not clear. It appears to say Ballona Wetlands units.....summary conducted the California Dpt of Fish and Game .....Map created by .....October 20, 2011.

Could you provide the correct reading of this text?

For what purpose did Fish and Game produce this map?

Did Fish and Game provide specific permission for the Conservancy to place its seal (logo) on this

map for official purposes such as for grant approvals?

I understand the Conservancy is a partner of Fish and Game in the Ballona preserve.

However it is unclear if Fish and Game authorized the use of this map for purposes of another Agency

to consider in its grant process.

Please DO NOT CC ANY PRIVATE BUSINESSES ON MY E-Mail COMMUNICATIONS anymore. This is met

to be a private communication between myself and the State Agency, and not to be shared with any private business, whatsoever.

Again,

Thank you for your assistance,

John Davis

PO 10152

Marina del Rey Ca. 90045

**From:** [Mary Small](#)  
**To:** ["Elena Eger"](#)  
**Cc:** ["Scott Valor"](#)  
**Subject:** FW: State Water Board Legal's Memo to our Governing Board  
**Date:** Monday, February 06, 2012 4:47:02 PM  
**Attachments:** [SWRCB memo2011aug re accusations.pdf](#)  
[SWRCB Ltr to Davis re PRAs.pdf](#)

---

Hi Elena

Scott Valor emailed this to you but he had the wrong address.

Mary

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**From:** Scott Valor [mailto:svalor@santamonibay.org]  
**Sent:** Monday, February 06, 2012 3:42 PM  
**To:** msmall@scc.ca.gov; eeeger@scc.ca.gov  
**Subject:** State Water Board Legal's Memo to our Governing Board

Mary & Elena--

The attached memo to our Governing Board may help with some background. It was not only given to our Governing Board, it is posted on our website, and was forwarded to John Davis and Patricia McPherson, among others. It addresses virtually all of the accusations made against the Foundation and Commission.

Attached also is a direct letter to John Davis from SWRCB legal noting how Foundation staff and contractors legally serve the SMBRC. For example, I am a contractor to the Foundation, but I am authorized to act on behalf of the Commission. He refuses to acknowledge that, which will never change. However, the documents speak for themselves.

One reason he may be contacting you (again) is that SWRCB legal told him that any future PRA queries to the Commission must be directed to me. He simply won't do that so he seeks ways around it. It would be entirely appropriate for you to re-direct any queries relevant to the SMBRC to me.

Call me if/when questions arise.

/s

Scott Valor  
Director of Government Affairs  
Santa Monica Bay Restoration Commission  
310-922-2376

visit us at [www.smbrc.ca.gov](http://www.smbrc.ca.gov)



-Rainwater ponding on Ballona Wetlands-Jan. 1952 (Spence/ ucla )  
Historically, the Ballona Wetlands/ Upland Complex was a seasonal wetland closed to the Santa Monica Bay until the saltwater entrances now known as Ballona Lagoon, Del Rey Lagoon and Marina del Rey were man-made.

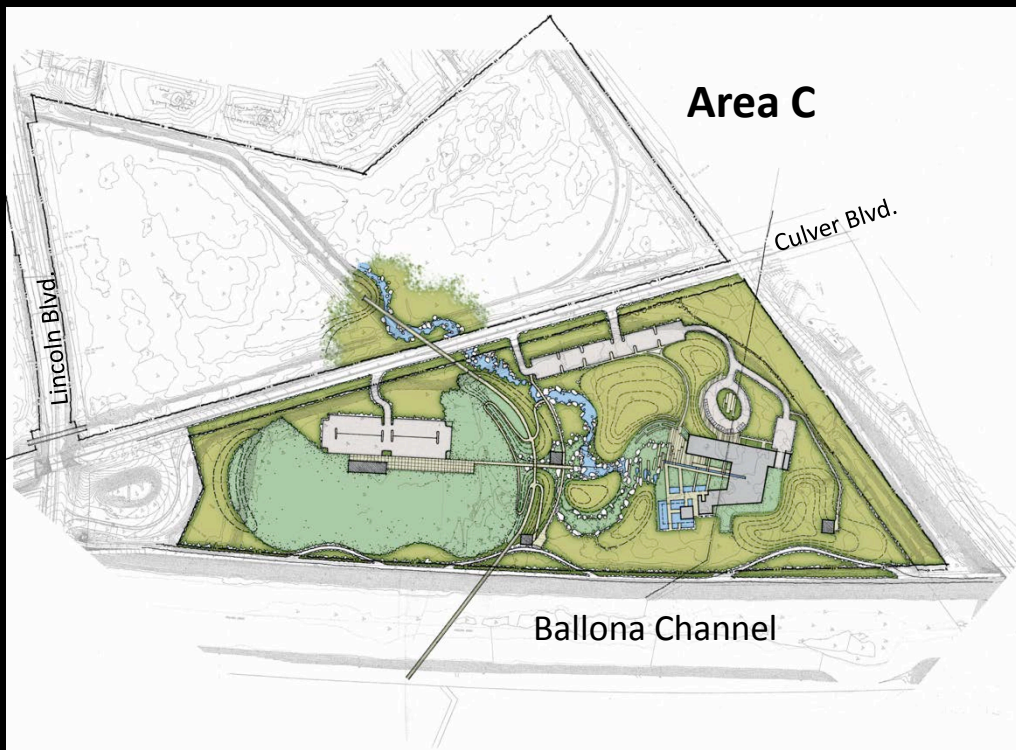
The Ballona Channel was created in the 30s to carry the rainwaters of a paved Los Angeles out to the Bay as quickly as possible to prevent flooding.

Annenberg Foundation (AF) and the California Department of Fish & Wildlife (CDFW) seek to undo decades long work by citizens to save Ballona Wetlands. In 2003-4 over 600 acres were carved out from Playa Capital's development plan to bury the land under the largest development project in the U.S. -- Playa Vista.

Now, the new status and legal rights of Ballona Wetlands Ecological Reserve are being challenged by a Memorandum of Understanding deal between AF and CDFW that would destroy habitat to erect a \$35-45 million dollar, 46,000 square- foot cat and dog adoption







Area C

Culver Blvd.

Ballona Channel

Lincoln Blvd.

facility, private veterinary clinic, offices for AF and CDFW, retail space, attendant parking lots, walkways, signage and amenities that would cover about 30 additional acres of valuable existing habitat.

What would CDFW get out of the deal? Money. AF has already cut a check to CDFW for \$100,000 with more agreed upon IF CDFW promotes the AF project. The project is predicated upon AF promoting CDFW's Plan to destroy habitat and replace it with a human oriented environment on Area C, but to also bulldoze, dredge and destroy the rest of Ballona Wetlands Ecological Reserve, turning it into a catch-basin flood control project. And, brings in pollution from the Ballona Channel.

*"Annenberg Foundation's Humane Education Conservation and Recreation Center"*

CDFW has already agreed. Now it seeks to change the law since state laws prohibit bringing pets onto an Ecological Reserve. Deed restrictions also prohibit the proposed use and must also be changed but, **THIS IS NOT WHAT THE PUBLIC PAID FOR WHEN PUBLIC DOLLARS WERE VOTED TOWARD THE ACQUISITION AND PROTECTION OF BALLONA WETLANDS.**

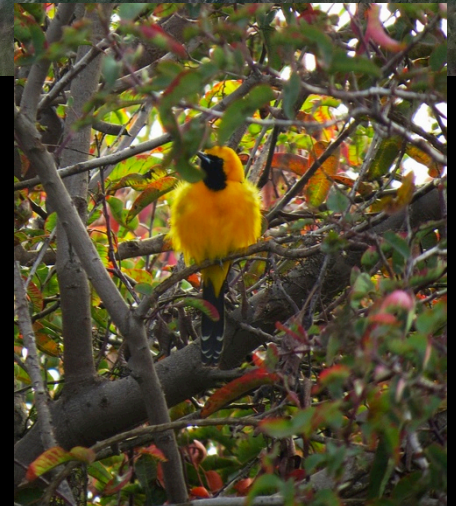




# Ballona Wetlands Ecological Reserve - Area C

...the larger the area, the greater the diversity- E.O.Wilson

Shall we risk the loss of diversity by reducing the size of habitat?



Photography by Jonathan Coffin



As a working proponent of animal welfare projects, Grassroots Coalition believes that there is ample opportunity for such a facility offsite of Ballona Ecological Reserve.

Without this domestic component, would AF be engaged upon Ballona? AF never helped to save Ballona Wetlands.

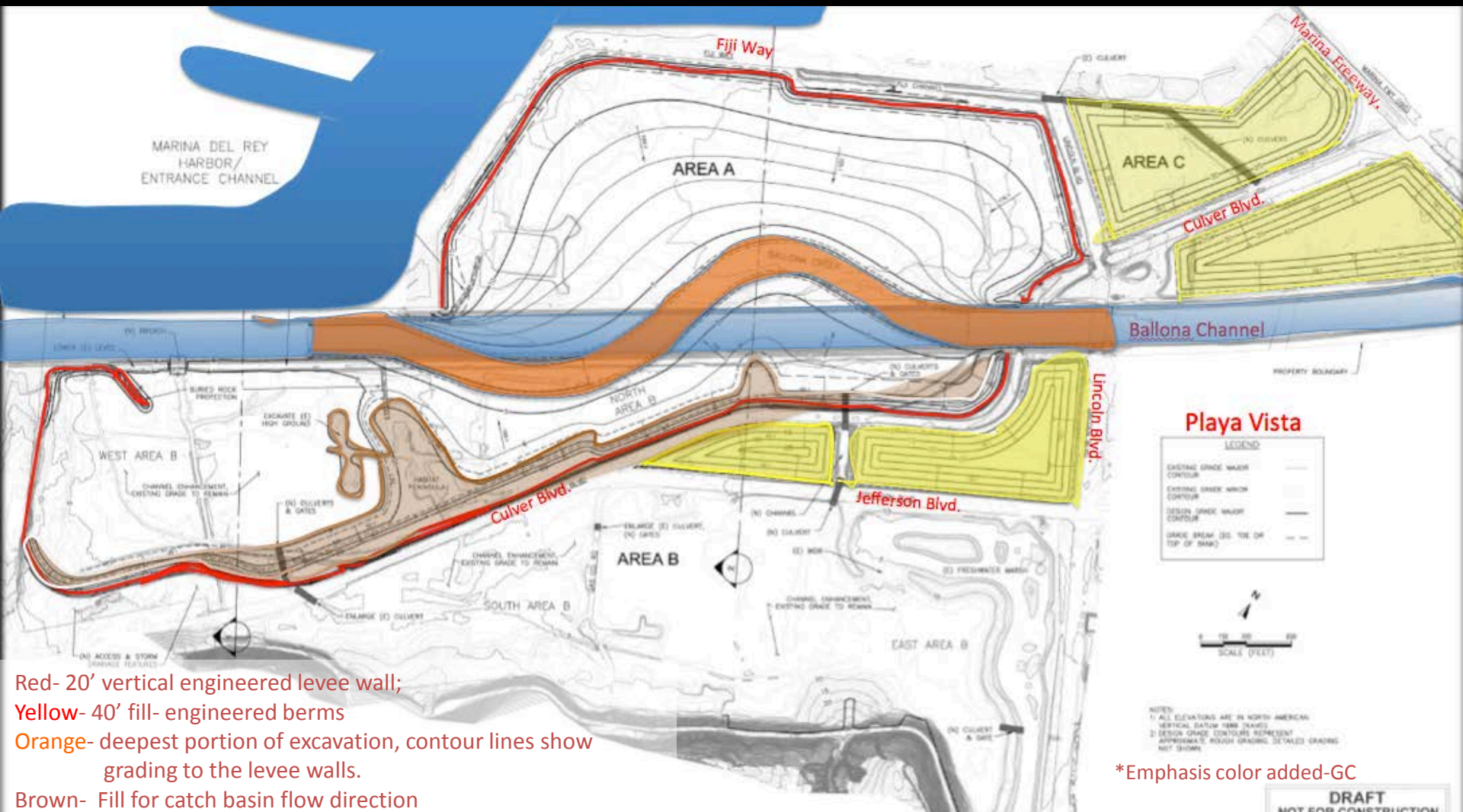
CDFW never lifted a finger to help save Ballona, always stating that 'it was a done deal' Ballona could not be saved.

- As for AF's offers of providing a wildlife interpretative, educational center?
- 1. Is it not more important to provide and learn directly from nature rather than create fake models of what might have been seen on Ballona?
- 2. The state appears to be hiding from its prior financial deals since, there is **NO NEED FOR A DUPLICATIVE CENTER**
- The state needs to be held accountable for what the public has already provided in bond dollars for the Ballona Interpretative Center, located in Playa Vista.



Savannah Sparrows in the grasslands of C. Secretive, Belding's Savannah Sparrows are endangered species that are non migratory using the site year-round.

What Is The State's Intention? Their Preferred Plan- non-historic Estuarine – is a massive...



... public works/ flood control project designed to create a catch-basin for the toxic effluent and trash that flows down Ballona Channel. Rather than cleaning up the dirty runoff- upchannel and at the source of contamination, Ballona will become the toilet of the City. This non-self sustaining project will destroy the existing ecosystem and have to be perpetually managed with public dollars dredging out the toxic sediments and debris-. That is not what the public paid for.

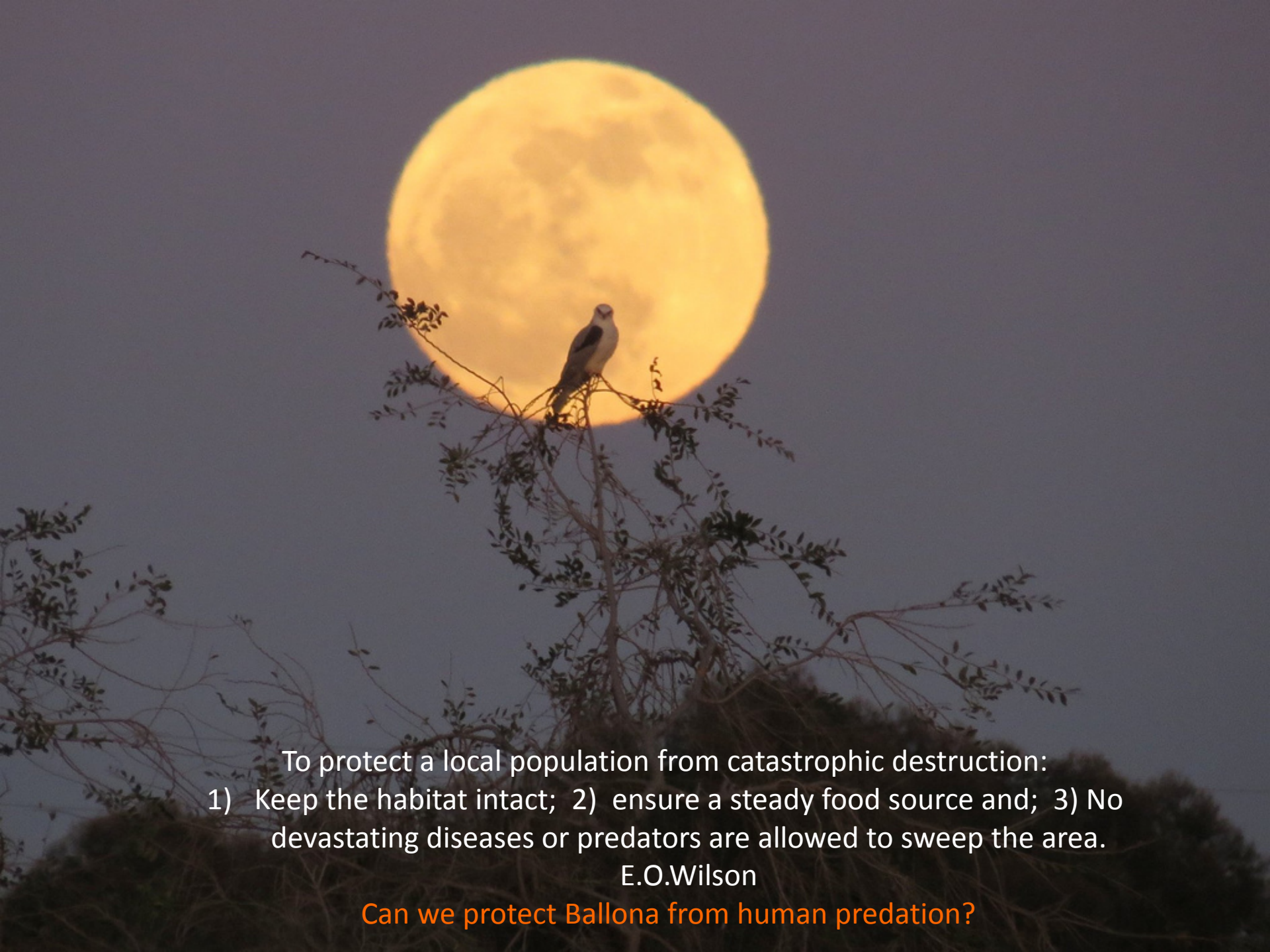


# BALLONA



See more of Ballona Wetlands Ecological Reserve  
- Google Jonathan Coffins' photos at Flickr, Stonebird





To protect a local population from catastrophic destruction:  
1) Keep the habitat intact; 2) ensure a steady food source and; 3) No devastating diseases or predators are allowed to sweep the area.

E.O.Wilson

Can we protect Ballona from human predation?